ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ –೧೫೮	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ೦೬, ಫೆಬ್ರವರಿ, ೨೦೨೩(**ಮಾಘ**, ೧೭, ಶಕವರ್ಷ, ೧೯೪೪)	ಸಂಚಿಕೆ ೨೮
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ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 37 ಕೇನಿಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 04.02.2023.

ದಿನಾಂಕ: 22.08.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Foreign Exchange Management (Overseas Investment) Rules, 2022ರ Notification-GSR 646(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF FINANCE

(Department of Economic Affairs)

NOTIFICATION

New Delhi, the 22nd August, 2022

G.S.R. 646(E).—In exercise of the powers conferred by sub-section (1) and clauses (aa) and (ab) of sub-section (2) of section 46 and sub-section (3) of section 47 of the Foreign Exchange Management Act, 1999 (42 of 1999) and in supersession of the Foreign Exchange Management (Transfer or Issue of Any Foreign Security) Regulations, 2004 and the Foreign Exchange Management (Acquisition and Transfer of Immovable Property Outside India) Regulations, 2015, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:

1. Short title and commencement.– (1) These rules may be called the Foreign Exchange Management (Overseas Investment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.– (1) In these rules, unless the context otherwise requires,–

(a) "Act" means the Foreign Exchange Management Act, 1999 (42 of 1999);

(b) "Authorised Dealer Category-I bank or "AD bank" means a person authorised as such under sub-section (1) of section 10 of the Act and for the purposes of these rules, shall mean only the domestic branches of such AD bank;

(c) "control" means the right to appoint majority of the directors or to control management or policy decisions exercisable by a person or persons acting individually or in concert, directly or indirectly, including by virtue of their shareholding or management rights or shareholders' agreements or voting agreements that entitle them to ten per cent. or more of voting rights or in any other manner in the entity;

(d) "disinvestment" means partial or full extinguishment of right, title or possession of equity capital acquired under these rules;

(e) "equity capital" means equity shares or perpetual capital or instruments that are irredeemable or contribution to non-debt capital of a foreign entity in the nature of fully and compulsorily convertible instruments;

(f) "financial commitment" means the aggregate amount of investment made by a person resident in India by way of Overseas Direct Investment, debt other than Overseas Portfolio Investment in a foreign entity or entities in which the Overseas Direct Investment is made and shall include the non-fund-based facilities extended by such person to or on behalf of such foreign entity or entities;

(g) "financial service regulator" means a financial service regulator established under any law in force in India and include the Reserve Bank, the Securities and Exchange Board of India, the Insurance Regulatory and Development Authority and the Pension Fund Regulatory and Development Authority;

(h) "foreign entity" means an entity formed or registered or incorporated outside India, including International Financial Services Centre that has limited liability:

Provided that the restriction of limited liability shall not apply to an entity with core activity in a strategic sector;

(i) "host country" or "host jurisdiction" means the country or jurisdiction, including the International Financial Services Centre, in which the foreign entity is formed, registered or incorporated, as the case may be;

(j) "Indian entity" means–

(i) a company defined under the Companies Act, 2013 (18 of 2013);

(ii) a body corporate incorporated by any law for the time being in force;

(iii) a Limited Liability Partnership duly formed and incorporated under the Limited Liability Partnership Act, 2008 (6 of 2009); and

(iv) a partnership firm registered under the Indian Partnership Act, 1932 (9 of 1932).

(k) "International Financial Services Centre" or "IFSC" shall have the same meaning as assigned to it in clause (g) of section 3 of the International Financial Services Centres Authority Act, 2019 (50 of 2019);

(l) "last audited balance sheet" means audited balance sheet as on date not exceeding eighteen months preceding the date of the transaction;

(m) "listed foreign entity" means a foreign entity whose equity shares or any other fully and compulsorily convertible instrument is listed on a recognised stock exchange outside India;

(n) "listed Indian company" means an Indian company that has equity shares or any of its fully and compulsorily convertible instruments listed on a recognised stock exchange in India and the expression "unlisted Indian company" shall be construed accordingly;

(o) "mutual fund" means any fund registered as such with the Securities and Exchange Board of India;

(p) "net worth" shall have the same meaning as assigned to it in clause (57) of section 2 of the Companies Act, 2013 (18 of 2013).

Explanation.– For the purposes of this clause, "net worth" of registered partnership firm or Limited Liability Partnership shall be the sum of the capital contribution of partners and undistributed profits of the partners after deducting therefrom the aggregate value of the accumulated losses, deferred expenditure and miscellaneous expenditure not written off, as per the last audited balance sheet;

(q) "Overseas Direct Investment" or "ODI" means investment by way of acquisition of unlisted equity capital of a foreign entity, or subscription as a part of the memorandum of association of a foreign entity, or investment in ten per cent, or more of the paid-up equity capital of a listed foreign entity or investment with control where investment is less than ten per cent. of the paid-up equity capital of a listed foreign entity;

Explanation.– For the purposes of this clause, where an investment by a person resident in India in the equity capital of a foreign entity is classified as ODI, such investment shall continue to be treated as ODI even if the investment falls to a level below ten per cent. of the paid-up equity capital or such person loses control in the foreign entity;

(r) "Overseas Investment" or "OI" means financial commitment and Overseas Portfolio Investment by a person resident in India;

(s) "Overseas Portfolio Investment" or "OPI" means investment, other than ODI, in foreign securities, but not in any unlisted debt instruments or any security issued by a person resident in India who is not in an IFSC:

Provided that OPI by a person resident in India in the equity capital of a listed entity, even after its delisting shall continue to be treated as OPI until any further investment is made in the entity.

Explanation.– For the purposes of this clause, the expression "debt instruments" means the instruments specified as such in clause (A) of rule 5;

(t) "relative" shall have the same meaning as assigned to it in clause (77) of section 2 of the Companies Act, 2013, (18 of 2013);

(u) "resident individual" means a person resident in India who is a natural person;

(v) "Resident Foreign Currency Account" or "RFC Account" shall have the same meaning as assigned to it in the Foreign Exchange Management (Foreign Currency Accounts by a Person Resident in India) Regulations, 2015;

(w) "SEBI" means the Securities and Exchange Board of India established under section 3 of the Securities and Exchange Board of India Act, 1992 (15 of 1992);

(x) "Society" means a society registered under the Societies Registration Act, 1860 (21 of 1860);

(y) "Subsidiary" or "step down subsidiary" of a foreign entity means an entity in which the foreign entity has control;

(z) "strategic sector" shall include energy and natural resources sectors such as oil, gas, coal, mineral ores, submarine cable system and start-ups and any other sector or sub-sector as deemed necessary by the Central Government;

(za) "sweat equity shares" means such equity shares as are issued by an overseas entity to its directors or employees at a discount or for consideration other than cash, for providing their know-how or making available rights like intellectual property rights or value additions, by whatever name called;

(zb) "Trust" means a trust registered under the Indian Trust Act, 1882 (2 of 1882);

(zc) "Venture Capital Fund" means a fund registered as such with the SEBI.

(2) The words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act or the rules or regulations made thereunder.

3. Administration of these rules.– (1) These rules shall be administered by the Reserve Bank. (2) The Reserve Bank may issue such directions, circulars, instructions and clarifications as it may deem necessary for the effective implementation of the provisions of these rules.

4. Non-applicability of rules and regulations relating thereto in certain cases.– Nothing in these rules or the Foreign Exchange Management (Overseas Investment) Regulations, 2022 shall apply to–

(a) any investment made outside India by a financial institution in an IFSC;

(b) acquisition or transfer of any investment outside India made,–

(i) out of Resident Foreign Currency Account; or

(ii) out of foreign currency resources held outside India by a person who is employed in India for a specific duration irrespective of length thereof or for a specific job or assignment, duration of which does not exceed three years; or

(iii) in accordance with sub-section (4) of section 6 of the Act.

*Explanation.– F*or the purposes of this rule, the expression "financial institution" shall have the same meaning as assigned to it in the International Financial Services Centres Authority Act, 2019 (50 of 2019).

5. Debt instruments and non-debt instruments.– The following shall be the debt instruments and non-debt instruments as determined by the Central Government under sub-section (7) of section 6 of the Act, namely:–

(A) Debt instruments:

(i) Government bonds;

(ii) corporate bonds;

(iii) all tranches of securitisation structure which are not equity tranche;

(iv) borrowings by firms through loans; and

(v) depository receipts whose underlying securities are debt securities;

(B) Non-debt instruments:

(i) all investments in equity in incorporated entities (public, private, listed and unlisted);

(ii) capital participation in Limited Liability Partnerships;

(iii) all instruments of investment as recognised in the Foreign Direct Investment policy from time to time;

(iv) investment in units of Alternative Investment Funds and Real Estate Investment Trust and Infrastructure Investment Trusts;

(v) investment in units of mutual funds and Exchange-Traded Fund which invest more than fifty per cent in equity;

(vi) the junior-most layer (i.e. equity tranche) of securitisation structure;

(vii) acquisition, sale or dealing directly in immovable property;

(viii) contribution to trusts; and

(ix) depository receipts issued against equity instruments;

6. Continuity of certain investments.– Any investment or financial commitment outside India made in accordance with the Act or the rules or regulations made thereunder and held as on the date of publication of these rules in the Official Gazette, shall be deemed to have been made under these rules and the Foreign Exchange Management (Overseas Investment) Regulations, 2022.

7. Rights issue and bonus shares.– (1) Any person resident in India who has acquired and continues to hold equity capital of any foreign entity in accordance with the provisions of the Act or the rules or regulations made thereunder–

(a) may invest in the equity capital issued by such entity as a rights issue; or

(b) may be granted bonus shares subject to the terms and conditions under these rules.

(2) The person resident in India acquiring the rights under sub-rule (1) may renounce such rights in favour of a person resident in India or a person resident outside India.

8. Prohibition on investment outside India.– Save as otherwise provided in the Act or these rules or the regulations made or directions issued under the Act, no person resident in India shall make or transfer any investment or financial commitment outside India.

9. Overseas Investment.– (1) Save as otherwise provided in these rules or the Foreign Exchange Management (Overseas Investment) Regulations, 2022, any investment made outside India by a person resident in India shall be made in a foreign entity engaged in a bona fide business activity, directly or through step down subsidiary or the special-purpose vehicle, subject to the limits and the conditions laid down in these rules and the said regulations:

Provided that the structure of such subsidiary or step down subsidiary of the foreign entity shall comply with the structural requirements of a foreign entity:

Provided further that Overseas Investment or transfer of such investment including swap of securities in a foreign entity formed, registered or incorporated in Pakistan or in any other jurisdiction as may be advised by the Central Government from time to time shall require prior approval of the Central Government.

Explanation.– For the purposes of this sub-rule, "bonafide business activity" shall mean any business activity permissible under any law in force in India and the host country or host jurisdiction**,** as the case may be:

(2) Notwithstanding anything contained in these rules or Foreign Exchange Management (Overseas Investment) Regulations 2022 –

(i) the Central Government may, on an application made to it through the Reserve Bank, permit financial commitment in strategic sectors or geographies, above the limits laid down in these rules and subject to such terms and conditions as it considers necessary**.**

(ii) the Reserve Bank may, on an application made to it through the designated AD bank and for sufficient reasons, permit a person resident in India to make or transfer any investment or financial commitment outside India subject to such conditions as may be laid down by it:

Provided that Overseas Investment by a person resident in India shall not be made in a foreign entity located in a country or jurisdiction as may be decided by the Central Government from time to time.

(3) The Reserve Bank, if it considers necessary may, in consultation with the Central Government,–

(i) stipulate the ceiling for the aggregate outflows during a financial year on account of financial commitment or Overseas Portfolio Investment;

(ii) stipulate the ceiling beyond which the amount of financial commitment by a person resident in India in a financial year shall require its prior approval.

10. No Objection Certificate.–

(1) Any person resident in India who,–

(i) has an account appearing as a non-performing asset; or

(ii) is classified as a wilful defaulter by any bank; or

(iii) is under investigation by a financial service regulator or by investigative agencies in India, namely, the Central Bureau of Investigation or Directorate of Enforcement or Serious Frauds Investigation Office,

shall, before making any financial commitment or undertaking disinvestment under these rules or the Foreign Exchange Management (Overseas Investment) Regulations, 2022, obtain a No Objection Certificate from the lender bank or regulatory body or investigative agency by making an application in writing to such bank or regulatory body or investigative agency concerned:

Provided that where the lender bank or regulatory body or investigative agency concerned fails to furnish the certificate within sixty days from the date of receipt of such application, it may be presumed that there was no objection to the proposed transaction.

(2) The No Objection Certificate issued under sub-rule (1) shall be addressed by the lender bank or regulatory body or investigative agency concerned to the designated AD bank with an endorsement to the applicant.

11. Manner of making Overseas Direct Investment by Indian entity.– An Indian entity may make Overseas Direct Investment in the manner and subject to the terms and conditions prescribed in Schedule I.

12. **Manner of making Overseas Portfolio Investment by an Indian entity**.– An Indian entity may make Overseas Portfolio Investment in the manner and subject to the terms and conditions prescribed in Schedule II.

13. Manner of making Overseas Investment by resident individual.– A resident individual may make Overseas Investment in the manner and subject to the terms and conditions prescribed in Schedule III.

14. Overseas Investment by person resident in India other than Indian entity and resident Individual.– A person resident in India, other than an Indian entity and a resident individual, may make Overseas Investment in the manner and subject to the terms and conditions prescribed in Schedule IV.

15. Overseas Investment in IFSC by person resident in India.– A person resident in India may make Overseas Investment in an IFSC in India in the manner and subject to the terms and conditions prescribed in Schedule V.

16. Pricing guidelines.– (1) Unless otherwise provided in these rules, the issue or transfer of equity capital of a foreign entity from a person resident outside India or a person resident in India to a person resident in India who is eligible to make such investment or from a person resident in India to a person resident outside India shall be subject to a price arrived on an arm's length basis.

(2) The AD bank, before facilitating a transaction under sub-rule (1), shall ensure compliance with arm's length pricing taking into consideration the valuation as per any internationally accepted pricing methodology for valuation.

17. Transfer or liquidation.– (1) Unless otherwise provided in these rules, a person resident in India holding equity capital in accordance with these rules may transfer such investment, in compliance with the limits and subject to the conditions for such investment or disinvestment, pricing guidelines or documentation and reporting requirements, in the manner provided in these rules and the Foreign Exchange Management (Overseas Investment) Regulations, 2022.

(2) A person resident in India may transfer equity capital by way of sale to a person resident in India, who is eligible to make such investment under these rules, or to a person resident outside India.

(3) In case the transfer is on account of merger, amalgamation or demerger or on account of buyback of foreign securities, such transfer or liquidation in case of liquidation of the foreign entity, shall have the approval of the competent authority as per the applicable laws in India or the laws of the host country or host jurisdiction, as the case may be.

(4) Where the disinvestment by a person resident in India pertains to ODI–

(i) the transferor, in case of full disinvestment other than by way of liquidation, shall not have any dues outstanding for receipt, which such transferor is entitled to receive from the foreign entity as an investor in equity capital and debt**;**

(ii) the transferor, in case of any disinvestment must have stayed invested for at least one year from the date of making ODI:

Provided that the above conditions shall not be applicable in case of a merger, demerger or amalgamation between two or more foreign entities that are wholly-owned, directly or indirectly, by the Indian entity or where there is no change or dilution in aggregate equity holding of the Indian entity in the merged or demerged or amalgamated entity.

(5) The holding of any investment or transfer thereof in any manner shall not be permitted if the initial investment was not permitted under the Act.

18. Restructuring.– A person resident in India who has made ODI in a foreign entity may permit restructuring of the balance sheet by such foreign entity, which has been incurring losses for the previous two years as evidenced by its last audited balance sheets, subject to ensuring compliance with reporting, documentation requirements and subject to the diminution in the total value of the outstanding dues towards such person resident in India on account of investment in equity and debt, after such restructuring not exceeding the proportionate amount of the accumulated losses:

Provided that in case of such diminution where the amount of corresponding original investment is more than USD 10 million or in the case where the amount of such diminution exceeds twenty per cent of the total value of the outstanding dues towards the Indian entity or investor, the diminution in value shall be duly certified on an arm's length basis by a registered valuer as per the Companies Act, 2013 (18 of 2013) or corresponding valuer registered with the regulatory authority or certified public accountant in the host jurisdiction:

Provided further that the certificate dated not more than six months before the date of the transaction shall be submitted to the designated AD bank.

19. Restrictions and prohibitions.– (1) Unless otherwise provided in the Act or these rules, no person resident in India shall make ODI in a foreign entity engaged in——

(a) real estate activity;

(b) gambling in any form; and

(c) dealing with financial products linked to the Indian rupee without specific approval of the Reserve Bank.

Explanation.– For the purposes of this sub-rule, the expression "real estate activity" means buying and selling of real estate or trading in Transferable Development Rights but does not include the development of townships, construction of residential or commercial premises, roads or bridges for selling or leasing.

(2) Any ODI in start-ups recognised under the laws of the host country or host jurisdiction as the case may be, shall be made by an Indian entity only from the internal accruals whether from the Indian entity or group or associate companies in India and in case of resident individuals, from own funds of such an individual.

(3) No person resident in India shall make financial commitment in a foreign entity that has invested or invests into India, at the time of making such financial commitment or at any time thereafter, either directly or indirectly, resulting in a structure with more than two layers of subsidiaries:

Provided that such restriction shall not apply to the following classes of companies mentioned in sub-rule (2) of rule 2 of the Companies (Restriction on Number of Layers) Rules, 2017 as may be amended from time to time, namely:-

(a) a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of 1949);

(b) a non-banking financial company as defined in clause (f) of section 45-I of the Reserve Bank of India Act, 1934 (2 of 1934) which is registered with the Reserve Bank and considered as systematically important non-banking financial company by the Reserve Bank;

(c) an insurance company being a company which carries on the business of insurance in accordance with provisions of the Insurance Act, 1938 (4 of 1938) and the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999); and

(d) a Government company referred to in clause (45) of section 2 of the Companies Act, 2013 (18 of 2013).

20. Requirements to be specified by Reserve Bank.– The mode of payment, deferred payment of consideration, reporting, realisation, and other requirements for any investment outside India by a person resident in India shall be as per the regulations made in this behalf by the Reserve Bank under the Act.

21. Restriction on acquisition or transfer of immovable property outside India.–

(1) Save as otherwise provided in the Act or this rule, no person resident in India shall acquire or transfer any immovable property situated outside India without general or special permission of the Reserve Bank:

Provided that nothing contained in this rule shall apply to a property–

(i) held by a person resident in India who is a national of a foreign State;

(ii) acquired by a person resident in India on or before the 8th day of July, 1947 and continued to be held by such person with the permission of the Reserve Bank;

(iii) acquired by a person resident in India on a lease not exceeding five years.

(2) Notwithstanding anything contained in sub-rule (1)–

(i) a person resident in India may acquire immovable property outside India by way of inheritance or gift or purchase from a person resident in India who has acquired such property as per the foreign exchange provisions in force at the time of such acquisition;

(ii) a person resident in India may acquire immovable property outside India from a person resident outside India–

(a) by way of inheritance;

(b) by way of purchase out of foreign exchange held in RFC account;

(c) by way of purchase out of the remittances sent under the Liberalised Remittance Scheme instituted by the Reserve Bank:

Provided that such remittances under the Liberalised Remittance Scheme may be consolidated in respect of relatives if such relatives, being persons resident in India, comply with the terms and conditions of the Scheme;

(d) jointly with a relative who is a person resident outside India;

(e) out of the income or sale proceeds of the assets, other than ODI, acquired overseas under the provisions of the Act;

(iii) an Indian entity having an overseas office may acquire immovable property outside India for the business and residential purposes of its staff, as per the directions issued by the Reserve Bank from time to time;

(iv) a person resident in India who has acquired any immovable property outside India in accordance with the foreign exchange provisions in force at the time of such acquisition may–

(a) transfer such property by way of gift to a person resident in India who is eligible to acquire such property under these rules or by way of sale;

(b) create a charge on such property in accordance with the Act or the rules or regulations made thereunder or directions issued by the Reserve Bank from time to time.

(3) The holding of any investment in immovable property or transfer thereof in any manner shall not be permitted if the initial investment in immovable property was not permitted under the Act.

Schedule I

[See rule 11]

Manner of making Overseas Direct Investment by Indian entity

1. Manner of making ODI.— (1) An Indian entity may make ODI by way of investment in equity capital for the purpose of undertaking bonafide business activity in the manner and subject to the limits and conditions provided in this Schedule.

(2) The ODI may be made or held by way of,–

(i) subscription as part of memorandum of association or purchase of equity capital, listed or unlisted;

(ii) acquisition through bidding or tender procedure;

(iii) acquisition of equity capital by way of rights issue or allotment of bonus shares;

(iv) capitalisation, within the time period, if any, specified for realisation under the Act, of any amount due towards the Indian entity from the foreign entity, the remittance of which is permitted under the Act or does not require prior permission of the Central Government or the Reserve Bank under the Act or any rules or regulations made or directions issued thereunder;

(v) the swap of securities;

(vi) merger, demerger, amalgamation or any scheme of arrangement as per the applicable laws in India or laws of the host country or the host jurisdiction, as the case may be.

2. ODI in financial services activity.– (1) An Indian entity engaged in financial services activity in India may make ODI in a foreign entity, which is directly or indirectly engaged in financial services activity, subject to the following conditions, namely:--

(i) the Indian entity has posted net profits during the preceding three financial years;

(ii) the Indian entity is registered with or regulated by a financial services regulator in India;

(iii) the Indian entity has obtained approval as may be required from the regulators of such financial services activity, both in India and the host country or host jurisdiction, as the case may be, for engaging in such financial services:

(2) An Indian entity not engaged in financial services activity in India may make ODI in a foreign entity, which is directly or indirectly engaged in financial services activity, except banking or insurance, subject to the condition that such Indian entity has posted net profits during the preceding three financial years:

Provided that an Indian entity not engaged in the insurance sector may make ODI in general and health insurance where such insurance business is supporting the core activity undertaken overseas by such an Indian entity.

(3) If an Indian entity does not meet the net profits required under sub paragraph (1) & (2) of this paragraph due to the impact of Covid-19 during the period from 2020-2021 to 2021-2022, then the financial results of such period may be excluded for considering the profitability period of three years:

Provided that such period may be extended by the Reserve Bank in consultation with the Central Government, as it may deem necessary:

(4) Notwithstanding anything contained in this paragraph, Overseas Investment by banks and non-banking financial institutions regulated by the Reserve Bank shall be subject to the conditions laid down by the Reserve Bank under applicable laws in this regard.

3. Limit for financial commitment.– (1) The total financial commitment made by an Indian entity in all the foreign entities taken together at the time of undertaking such commitment shall not exceed 400 percent

of its net worth as on the date of the last audited balance sheet or as directed by the Reserve Bank, in consultation with Central Government from time to time.

(2) The total financial commitment referred to in sub-paragraph (1) shall not include capitalisation of retained earnings for reckoning such limit but shall include–

(i) utilisation of the amount raised by the issue of American Depository Receipts or Global Depositary Receipts and stock-swap of such receipts; and

(ii) utilisation of the proceeds from External Commercial Borrowings to the extent the corresponding pledge or creation of charge on assets to raise such borrowings has not already been reckoned towards the above limit:

Provided that the financial commitment made by Maharatna or Navratna or Miniratna or subsidiaries of such public sector undertakings in foreign entities outside India engaged in strategic sectors shall not be subject to the limits laid down under this paragraph.

Explanation.– For the purposes of this Schedule, a foreign entity shall be considered to be engaged in the business of financial services activity if it undertakes an activity, which if carried out by an entity in India, requires registration with or is regulated by a financial sector regulator in India.

Schedule II

[See rule 12]

Manner of making Overseas Portfolio Investment by an Indian entity

1. **OPI by an Indian entity.–** (1) An Indian entity may make OPI which shall not exceed fifty percent of its net worth as on the date of its last audited balance sheet, in the manner and subject to the conditions laid down in this Schedule.

(2) A listed Indian company may make OPI including by way of reinvestment.

(3) An unlisted Indian entity may make OPI only under clauses (iii), (iv), (v) and (vi) of sub-paragraph (2) of paragraph 1 of Schedule I.

Schedule III

[See rule 13]

Manner of making Overseas Investment by resident individual

1. **Manner of making OI.–** (1) Any resident individual may make ODI by way of investment in equity capital or OPI in the manner provided in this Schedule and unless otherwise provided hereunder, shall be subject to the overall ceiling under the Liberalised Remittance Scheme of the Reserve Bank.

(2) A resident individual may make or hold Overseas Investment by way of,–

(i) ODI in an operating foreign entity not engaged in financial services activity and which does not have subsidiary or step down subsidiary where the resident individual has control in the foreign entity:

(ii) OPI, including by way of reinvestment;

(iii) ODI or OPI, as the case may be, by way of–

(a) capitalisation, within the time period, if any, specified for realisation under the Act, of any amount due from the foreign entity the remittance of which is permitted under the Act or does not require prior permission of the Central Government or the Reserve Bank;

(b) swap of securities on account of a merger, demerger, amalgamation or liquidation;

(c) acquisition of equity capital through rights issue or allotment of bonus shares;

(d) gift as per the conditions laid down under this Schedule;

(e) inheritance;

(f) acquisition of sweat equity shares;

(g) acquisition of minimum qualification shares issued for holding a management post in a

a. foreign entity;

(h) acquisition of shares or interest under Employee Stock Ownership Plan or Employee Benefits Scheme:

Provided that ODI in respect of clauses (e), (f), (g) and (h) may be made in a foreign entity whether or not such foreign entity is engaged in financial services activity or has subsidiary or step down subsidiary where the resident individual has control:

Provided further that the acquisition of less than ten per cent. of the equity capital, whether listed or unlisted, of a foreign entity without control under clauses (f), (g) and (h), shall be treated as OPI.

Explanation.— For the purposes of this Schedule, a foreign entity will be considered to be engaged in the business of financial services activity if it undertakes an activity, which if carried out by an entity in India, requires registration with or is regulated by a financial sector regulator in India.

2. Acquisition by way of gift or inheritance.– (1) A resident individual may, without any limit, acquire foreign securities by way of inheritance from a person resident in India who is holding such securities in accordance with the provisions of the Act or from a person resident outside India.

(2) A resident individual, without any limit, may acquire foreign securities by way of gift from a person resident in India who is a relative and holding such securities in accordance with the provisions of the Act.

(3) A resident individual may acquire foreign securities by way of gift from a person resident outside India in accordance with the provisions of the Foreign Contribution (Regulation) Act, 2010 (42 of 2010) and the rules and regulations made thereunder.

3. Acquisition of shares or interest under Employee Stock Ownership Plan or Employee Benefits Scheme or sweat equity shares.– (1) A resident individual, who is an employee or a director of an office in India or branch of an overseas entity or a subsidiary in India of an overseas entity or of an Indian entity in which the overseas entity has direct or indirect equity holding, may acquire, without limit, shares or interest under Employee Stock Ownership Plan or Employee Benefits Scheme or sweat equity shares offered by such overseas entity, provided that the issue of Employee Stock Ownership Plan or Employee Benefits Scheme are offered by the issuing overseas entity globally on a uniform basis.

Explanation.– For the purposes of this paragraph, the expression,–

(i) "indirect equity holding" means indirect foreign equity holding through a special purpose vehicle or step down subsidiary;

(ii) "Employee Benefit Scheme" means any compensation or incentive given to the directors or employees of any entity which gives such directors or employees ownership interest in an overseas entity through ESOP or any similar scheme.

(2) Notwithstanding anything contained in these rules, a resident individual may acquire Employee Stock Ownership Plans under any scheme of the Central Government.

Schedule IV

[See rule 14]

Overseas Investment by person resident in India other than Indian entity and resident Individual

1. ODI by Registered Trust or Society.– Any person being a registered Trust or a registered Society engaged in the educational sector or which has set up hospitals in India may make ODI in a foreign entity with the prior approval of the Reserve Bank, subject to the following conditions, namely:–

(i) the foreign entity is engaged in the same sector that the Indian Trust or Society is engaged in;

(ii) the Trust or the Society, as the case may be, should have been in existence for at least three financial years before the year in which such investment is being made;

(iii) the trust deed in case of a Trust, and the memorandum of association or rules or bye-laws in case of a Society shall permit the proposed ODI;

(iv) such investment have the approval of the trustees in case of a Trust and the governing body or council or managing or executive committee in case of a Society;

(v) in case the Trust or the Society require special licence or permission either from the Ministry of Home Affairs, Central Government or from the relevant local authority, as the case may be, the special licence or permission has been obtained and submitted to the designated AD bank.

2. OI by Mutual Funds or Venture Capital Funds or Alternative Investment Funds.– (1) A mutual fund or Venture Capital Fund or Alternative Investment Fund may acquire or transfer foreign securities as stipulated by SEBI from time to time in accordance with the provisions of these rules and subject to such other terms and conditions as may be laid down by the Reserve Bank and the SEBI under applicable laws from time to time:

Provided that the aggregate limit for such investment shall be decided by the Reserve Bank in consultation with the Central Government:

Provided further that the individual limits for such investments shall be as per the instructions issued by the SEBI from time to time.

(2) Every transaction relating to the purchase and sale of foreign security by the funds referred to in sub-paragraph (1) shall be routed through the designated AD bank in India:

(3) Notwithstanding anything contained in these rules, any investment under these rules by mutual funds, Venture Capital Funds and Alternative Investment Funds shall be treated as OPI.

Explanation.– For the purposes of this paragraph, "Alternative Investment Fund" means any fund registered as such with the SEBI.

3. Opening of Demat Accounts by clearing corporations of stock exchanges and clearing members.– Any person, being a SEBI approved clearing corporation of a stock exchange and its clearing members, may acquire, hold and transfer foreign securities, offered as collateral by foreign portfolio investors and**,** subject to the guidelines issued by the SEBI from time to time**,**–

(i) open and maintain Demat Account with foreign depositories;

(ii) remit the proceeds arising due to such action, if any; and

(iii) liquidate such foreign securities and repatriate the proceeds thereof to India.

4. Acquisition and transfer of foreign securities by domestic depository.– A domestic depository may acquire, hold and transfer foreign securities of a foreign entity, being the underlying security to issue Indian Depository Receipts as may be authorised by such foreign entity or its overseas custodian bank and the person investing in Indian Depository Receipts may either sell or continue to hold foreign securities in accordance with the conditions provided in these rules and the Foreign Exchange Management (Overseas Investment) Regulations, 2022 upon conversion of such depository receipts.

5. Acquisition and transfer of foreign securities by AD bank.– An AD bank including its overseas branch may acquire or transfer foreign securities in accordance with the terms of the host country or host jurisdiction**,** as the case may be, in the normal course of its banking business.

Schedule V

[See rule 15]

Overseas Investment in IFSC by person resident in India

1. **Overseas Investment in IFSC by person resident in India**.– (1) Subject to the provisions of these rules and the Foreign Exchange Management (Overseas Investment) Regulations, 2022, a person resident in India may make Overseas Investment in an IFSC in India within the limits provided in these rules .

(2) A person resident in India may make Overseas Investment in an IFSC in the manner as laid down in Schedule I or Schedule II or Schedule III or Schedule IV:

Provided that –

(i) in the case of an ODI made in an IFSC, the approval by the financial services regulator concerned, wherever applicable, shall be decided within forty-five days from the date of application complete in all respects failing which it shall be deemed to be approved;

(ii) an Indian entity not engaged in financial services activity in India, making ODI in a foreign entity, which is directly or indirectly engaged in financial services activity, except banking or insurance, who does not meet the net profit condition as required under these rules, may make ODI in an IFSC.

(iii) a person resident in India may make contribution to an investment fund or vehicle set up in an IFSC as OPI;

(iv) a resident individual may make ODI in a foreign entity, including an entity engaged in financial services activity, (except in banking and insurance), in IFSC if such entity does not have subsidiary or step down subsidiary outside IFSC where the resident individual has control in the foreign entity.

(3) A recognised stock exchange in the IFSC shall be treated as a recognised stock exchange outside India for the purpose of these rules.

[F.No.27/4/2018 (E)-FT]

RAJEEV SAKSENA, Jt. Secy.

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MANOJ KUMAR VERMA

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-03

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 38 ಕೇನಿಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 04.02.2023.

ದಿನಾಂಕ: 02.09.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Motor Vehicles Non Transport Vehicles Visiting India Rules, 2022ರ Notification-GSR 680(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 2nd September, 2022

G.S.R. 680(E).—the draft rules the Inter-Country Non-Transport Vehicle Rules, 2022 were published, as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways, number G.S.R. 211 (E), dated the 16th March, 2022 in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), dated the 16th March, 2022 inviting objections and suggestions from all persons;

And whereas, copies of the said notification were made available to the public on the 16th March, 2022;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by clauses (b) and (c) of sub-section (1) of section 139 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement.** – (1) These rules may be called the Motor Vehicles Non Transport Vehicles Visiting India Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.– (1) In these rules, unless the context otherwise requires,–

(a) "Act" means the Motor Vehicles Act, 1988 (59 of 1988);

(b) "driving licence" means the licence issued by a competent authority of the origin country, authorising the person specified therein to drive a motor vehicle of any specified class or description;

(c) "insurance policy" means a policy of insurance which covers risks in compliance with the requirements of Chapter XI of the Act.

(d) "international driving permit" means the international driving permit issued under the International Convention of Road Traffic, 1949 or any subsequent Convention ratifying the same and signed by India and other countries who are parties to the Convention on Road Traffic signed at Geneva on 19th day of September, 1949;

(e) "non-transport vehicle" means a motor vehicle which is not a transport vehicle;

(f) "Pollution Under Control Certificate" means pollution under control certificate issued by appropriate authority of the origin country to check a motor vehicle's emission limits;

(g) "registration certificate" with reference to a motor vehicle, means the registration certificate issued by a competent authority of the origin country;

(h) "registration mark" means a registered number, or a registered letter and number, or registered letters and number or numbers assigned to the motor vehicle.

3. **Vehicles.**—A non-transport vehicle registered in the other country, when entering India, shall be so constructed and maintained as to be at all times under the effective control of the person driving it.

4. **Documents required.**—(1) The following documents shall be carried in the vehicle during the duration of stay in India, namely:–

(a) registration certificate;

(b) driving license or international driving permit, whichever is applicable;

(c) insurance policy;

(d) pollution under control certificate, if applicable in the origin country.

(2) The person driving the motor vehicle shall keep all the documents referred to in sub-rule (1) in his possession at the time of entering in India and during the entire period of stay, and shall always make available for inspection by the competent authority .

3) In case the documents referred to in sub-rule (1) are in a language other than English, then, an authorised English translation, duly authenticated by the issuing authority, shall be carried along with the original documents.

(4) The registration mark, in case displayed in any language other than English, shall be exhibited in English at the front and back of the vehicle.

5. **Restrictions.**—Motor vehicles registered in any country other than India shall not be permitted to transport local passengers and goods within the territory of India.

6. Compliance with traffic rules.—Motor vehicles registered in any country other than India shall comply with the provisions of the motor vehicles Act, 1988 and the rules made thereunder.

7. **Deviation of rules, if any.**—In case, there is any conflict between these rules and the bilateral agreement, between India and other country, the latter shall prevail.

[No. RT-11036/205/2021-MVL]

MAHMOOD AHMED, Jt. Secy.

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MANOJ KUMAR VERMA
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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

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PR-04

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 39 ಕೇನಿಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 04.02.2023.

ದಿನಾಂಕ: 23.09.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Adoption Regulations, 2022ರ Notification-GSR 726(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 23rd September, 2022

G.S.R. 726(E).—In exercise of the powers conferred under clause (c) of section 68 read with clause (3) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) and in supersession of the Adoption Regulations, 2017, except as respects things done or omitted to be done before such supersession, the Central Government hereby notifies the following Adoption Regulations as framed by the Central Adoption Resource Authority.

CHAPTER – I
PRELIMINARY

1. Short title and commencement.— (1) These regulations may be called the Adoption Regulations, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these regulations, unless the context otherwise requires,**—**

(1) "Act" means the Juvenile Justice (Care and Protection of Children) 2015 (2 of 2016) Act;

(2) "Adoption Committee" means the Committee comprising of the authorised office-bearer of the Specialised Adoption Agency concerned, its visiting doctor or a medical officer from a Government hospital and one official from the District Child Protection Unit and shall also include a representative of the Child Care Institution, in case the adoption is from a Child Care Institution other than the Specialised Adoption Agency and the committee shall be chaired by District Child Protection Officer;

(3) "Adoption fee" means the fee as specified by the Authority to be received from the prospective adoptive parents directly, in case they are living in India and through Authorised Foreign Adoption Agency or Central Authority or the Government department, as the case may be, in cases of inter-country adoptions;

(4) "Biological parent" means a man or woman who is genetically father or mother of a child;

(5) "child legally free for adoption" means a child declared as such by the Child Welfare Committee as per the format provided in the **Schedule I**, after making due inquiry under section 38 of the Act;

(6) "Child Study Report" means the report which contains details about the child, including their date of birth and social background as per the format provided in the **Schedule II**;

(7) "Cluster of states" for the purpose of adoption means zones or regions as defined by Government of India from time to time;

(8) "Designated Portal" means Child Adoption Resource Information and Guidance System or any other portal to be notified by the Government from time to time designed for facilitating, guiding and monitoring the adoption programme;

(9) ''disruption'' means the child being unmatched from the adoptive family due to non-adjustment of both the child and the adoptive family with each other after placement, but prior to the completion of the legal process of adoption;

(10) "dissolution" means the annulment of the adoption legally, due to non-adjustment of both the child and the adoptive family with each other, after the adoption order has been obtained from the District Magistrate;

(11) "habitual residence" means the ordinary residence of a person for at least a period of one year;

(12) "Hague Adoption Convention" means the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption (1993);

(13) "Hard to place child" refers to a child who has not been placed in adoption after going through the procedure as mentioned below:

(a) a normal child under the age of five who has not been placed in adoption with a resident Indian or non-resident Indian or Overseas Citizen of India Card holder prospective adoptive parents within sixty days after referral;

(b) or a child over the age of five or siblings who has not been placed in adoption with a resident Indian or non-resident Indian or Overseas Citizen of India Card holder prospective adoptive

parents within thirty days after referral;

(c) categories of children mentioned in clause (a) and (b) above, who have not been placed in adoption within the prescribed time limit shall further be shown to all the prospective adoptive parents referred to in clause (a) and (b) for another seven days period;

(d) after expiry of the stated time line in clause (c), the child shall be referred to foreign prospective adoptive parents for fifteen days;

(e) the child not placed in adoption after clause (a) to (d) above stipulated timeline shall be categorised as hard to place.

(14) "Home Study Report" means a report containing details of the prospective adoptive parents, which shall include social and economic status, family background, description of home and atmosphere therein and health status as per the format provided in **Schedule VII**;

(15) "in-country adoption" means adoption of a child by a citizen of India residing in India;

(16) "Medical Examination Report" means the report in respect of health condition of a child given by a duly licensed physician in the format provided in **Schedule III;**

(17) "No Objection Certificate" means the certificate issued by the Authority for permitting the child to be placed in adoption with foreign or Overseas Citizen of India Cardholder or non-resident Indian prospective adoptive parents;

(18) "older child" for the purpose of adoption means a child who is above five years of age;

(19) "pending adoptions" means those adoption matters, where the prospective adoptive parents are already registered for adoption or who have accepted the referral of a child from a Specialised Adoption Agency before the expiry, suspension or withdrawal of recognition of such Specialised Adoption Agency;

(20) "pre-adoption foster care" means a stage when the temporary custody of a child is given to prospective adoptive parents, till the adoption order is granted by the District Magistrate;

(21) "resident Indian" means an Indian citizen residing in India;

(22) "rules" means the Juvenile Justice (Care and Protection of Children) Model Rules,2022;

(23) "Schedule" means a Schedule annexed to these regulations;

(24) "Section" means the section of the Act;

(25) "special needs child" means a child who is suffering from any disability as provided in the Rights of Persons With Disabilities Act, 2016(49 of 2016)as given in **Schedule XVIII** and **Schedule III (Part E)** of these Regulations;

(26) "step parent" means a parent who is married to the father or mother of a child, but who is not that child's biological father or mother;

(27) "step parent adoption" means any situation in which someone becomes a legal parent for his or her spouse's child;

(28) The words and expressions used herein and not defined in these regulations shall have the same meaning as respectively assigned to them in that Act or the rules made thereunder.

3. Fundamental principles governing adoption.— The following fundamental principles shall govern adoptions of children from India, namely:**—**

(a) the child's best interests shall be of paramount consideration, while processing any adoption placement;

(b) preference shall be given to place the child in adoption with Indian citizens with due regard to the principle of placement of the child in their own socio-cultural environment, as far as possible;

(c) all applications for adoptions shall be registered on the Designated Portal and confidentiality of the same shall be maintained by the Authority.

4. Child eligible for adoption.—The following shall be eligible for adoption, namely:**—**

(a) any orphan or abandoned or surrendered child, declared legally free for adoption by the Child Welfare Committee;

(b) a child of a relative defined under clause (52) of section 2;

(c) child or children of spouse from earlier marriage, surrendered by the biological parents for adoption by the step-parent.

5. Eligibility criteria for prospective adoptive parents.— (1)The prospective adoptive parents shall be physically, mentally, emotionally and financially capable, they shall not have any life threatening medical condition and they should not have been convicted in criminal act of any nature or accused in any case of child rights violation.

(2) Any prospective adoptive parent, irrespective of their marital status and whether or not they have biological son or daughter, can adopt a child subject to the following, namely:—

(a) the consent of both the spouses for the adoption shall be required, in case of a married couple;

(b) a single female can adopt a child of any gender;

(c) a single male shall not be eligible to adopt a girl child.

(3) No child shall be given in adoption to a couple unless they have at least two years of stable marital relationshipexcept in the cases of relative or step-parent adoption.

(4) The age of prospective adoptive parents, as on the date of registration, shall be counted for deciding the eligibility of prospective adoptive parents for children of different age groups as under:-

Age of the child	Maximum composite age of prospective adoptive parents (couple)	Maximum age of single prospective adoptive parent
Upto 2 years	85 years	40 years
Above 2 and upto 4 years	90 years	45 years
Above 4 and upto 8 years	100 years	50 years
Above 8 and upto 18 years	110 years	55 years

Provided that the minimum age difference between the child and either of the prospective adoptive parents shall not be less than twenty five years.

(5) In case of a couple, the composite age of the prospective adoptive parents shall be counted.

(6) The age criteria for prospective adoptive parents shall not be applicable in case of relative adoptions and adoption by step-parent.

(7) Couples with two or more children shall only be considered for special needs children as specified in clause (25) of regulation 2, and hard to place children as stated in clause (13) of regulation 2 unless they are relatives or step-children.

(8) The prospective adoptive parents have to revalidate their Home study report after a period of three years.

(9) The seniority of the prospective adoptive parents who have not received a single referral within three years shall be counted from their date of registration except those who have crossed composite years of one hundred ten years.

CHAPTER II
PROCEDURE RELATING TO CHILDREN FOR ADOPTION

6. Procedure relating to orphan or abandoned child.— (1) The provisions relating to the process of declaring an orphan or abandoned child, as legally free for adoption are laid down in sections 31, 32, 36, clauses (a) to (c) and clause (h) of sub-section (1) of section 37, section 38 and section 40 of the Act, as well as under the relevant provisions of the rules made thereunder.

(2) An orphan or abandoned child received by a Child Care Institution, including a Specialised Adoption Agency, directly without the involvement of Child Welfare Committee, shall be produced before the Child Welfare Committee within twenty-four hours (excluding the journey

time) along with a report as per the format given in Form 17 of the rules and a copy of such report shall be submitted by the Child Care Institution or the Specialised Adoption Agency, as the case may be, to the local police station within the same period.

(3) If a child is under treatment or not in a condition to be produced before the Child Welfare Committee, only documents related to the child shall be submitted to the Child Welfare Committee within the said timeline and the Child Welfare Committee shall visit the child.

(4) If inquiry is pending, the Child Welfare Committee shall issue an order in Form 18 of the rules for a short term placement or interim care of the child to a Child Care Institution or a Specialised Adoption Agency, as the case may be, as per the provisions of clause (c) of sub-section (1) of section 37 of the Act and the sub-rule (26) of rule 19 of the said rules.

(5) On admission of the child by the order of the Child Welfare Committee, their details and photograph shall be entered online on the Designated Portal in the prescribed format by the Specialised Adoption Agency within three days of getting the order of the Child Welfare Committee, and the photograph and profile of the child shall be updated by such Agency every six months on the Designated Portal.

(6) In case of orphan, abandoned or surrendered older children admitted in Child Care Institutions on the basis of the order from the Child Welfare Committee, the details of such children shall be entered by the District Child Protection Unit concerned on the Designated Portal.

(7) For tracing out the biological parents or the legal guardians, the Child Welfare Committee, after taking into account the risk factors, and in the best interest of the child, may direct the District Child Protection Unit to advertise the particulars and photograph of an orphan or abandoned child in a national newspaper with wide circulation in the place where the child was found within three days from the time of receiving the child and also ensure entry of data in the Track Child portal or *Khoya Paya* by the concerned Child Care Institution or Specialised Adoption Agency.

(8) In case where the child is from another State, the publication shall be done in the known place of origin of the child in the local language and such publications including the entry of information in Track Child portal or *Khoya Paya* shall be facilitated by the State Adoption Resource Agency concerned.

(9) In case the biological parents or legal guardian cannot be traced, despite the efforts specified in sub-regulations (7) to (8), the District Child Protection Unit shall submit a report to the Child Welfare Committee within thirty days from the date of production of the child before the Child Welfare Committee.

(10) The Child Care Institution or Specialised Adoption Agency shall submit a report to the Child Welfare Committee, immediately on completion of thirty days from the date of production of the child, before the Child Welfare Committee and the report shall include any information revealed by the child during their short term placement and details of persons whosoever approached for claiming the child, if any.

(11) If the local police report on the non-traceability of the biological parents or legal guardians is not received within two months in the case of an orphan or abandoned child under the age of two years, and within four months in the case of child over the age of two years respectively, the parents shall be deemed to be non-traceable.

(12) The Child Welfare Committee shall use the Track Child Portal or *Khoya Paya* to ascertain whether the abandoned child or orphan child is a missing child and incase the child's identity is established, they shall be restored to biological parents or legal guardians.

(13) The Child Welfare Committee, after taking actions as per the provisions of the Act, rules made thereunder and these regulations shall issue an order signed by any three members of the Child Welfare Committee declaring the abandoned or orphan child as legally free for adoption in the format provided in the **Schedule I** within a period of three days after the expiry of two or four months, from the date of production of the child before the Child Welfare Committee, in case of a child upto two or above two years of age respectively.

(14) The inquiry under section 36 and the order declaring an abandoned or orphan child as legally free for adoption by the Child Welfare Committee under section 38 shall be completed in the district where the child was initially found, or in the district to which the child is shifted under orders of the Child Welfare Committee.

(15) The Child Study Report and Medical Examination Report of an orphan or abandoned child shall be prepared in the format provided in the **Schedule II** and **Schedule III** respectively and posted on the Designated Portal by the Specialised Adoption Agency maximum within ten days from the

date the child is declared legally free for adoption and the details shall be updated on the Designated Portal every six months and whenever appreciable physical changes are observed in the child.

(16) The Child Study Report and Medical Examination Report shall be in English, apart from the regional language of the concerned area.

(17) The District Child Protection Unit shall facilitate the Specialised Adoption Agency in uploading the Child Study Report and Medical Examination Report or any other required information on the Designated Portal, in case the Specialised Adoption Agency is facing any technical difficulty.

(18) The procedure for declaring a child of parents with mental illness or intellectual disability as legally free for adoption by the Child Welfare Committee shall be done on the basis of a certificate reflecting mental disability of the parents from the medical board constituted by the Central Government or the State Government, as the case may be, as per the laws established by the Government of India, with respect to the same.

(19) In case of siblings or twins, the Child Welfare Committee shall specify the status of the children as siblings or twins and declare the children as legally free in a single order.

7. Procedure relating to a surrendered child.— (1) A parent or guardian wishing to surrender a child under sub-section (1) of section 35 of the Act, shall apply to the Child Welfare Committee as provided in the Form 23 of the rule.

(2) For parents or guardians who are unable to give an application, due to illiteracy or any other reason, the Child Welfare Committee shall facilitate the same through the legal aid counsel provided by the Legal Services Authority.

(3) The Deed of Surrender shall be executed on the day of production of the child as provided in the **Schedule V**.

(4) If a female biological parent including an unwed mother is willing to surrender the child through the procedure laid down under section 35 of the Act, then the Deed of Surrender may be executed in the presence of any one female member of the Child Welfare Committee as envisaged under section 35 of the Act.

(5) If a child born to a married couple is to be surrendered, both parents shall sign the Deed of Surrender and in case one of them is dead, death certificate is required to be furnished in respect of the deceased parent.

(6) If a child born to a married couple is to be surrendered by one biological parent and the whereabouts of the other parent are not known, the child shall be treated as abandoned child and further procedures in accordance with regulation 6 of these regulations shall be followed.

(7) In case of a child born out of wedlock, only the mother can surrender the child and if the mother is a minor and the guardian or the family of the minor is willing to surrender the child under the procedure given in section 35 of the Act, then the Deed of Surrender shall be signed by an accompanying adult as the witness.

(8) Nobody other than the parents or legal guardian can surrender the child. If the surrender is by a person other than the parents or legal guardian, the child shall be treated as abandoned child and further procedures in accordance with regulation 6 shall be followed:

Provided that any female biological parent including an unwed mother or a minor surrendering the child is not willing to disclose her identity, such child shall be treated as abandoned.

(9) The Child Welfare Committee shall ensure that a copy of the Deed of Surrender is given to the surrendering parents or person.

(10) The details of the surrendered child along with their photograph shall be uploaded on the Designated Portal by the Specialised Adoption Agency within three days from the time of receiving the child.

(11) Efforts shall be made by the Specialised Adoption Agency, District Child Protection Unit and the Child Welfare Committee for exploring the possibility of parents retaining the child, which shall include counselling or linking them to the counselling centre identified by the State Government, encouraging them to retain the child and explaining that the process of surrender shall become irrevocable after expiry of sixty days from the date of signing the Surrender Deed to discourage surrender by biological parents.

(12) The Specialised Adoption Agency and the Child Welfare Committee shall ensure that the surrendering parents or the legal guardian is made aware that they can reclaim the surrendered child only within a period of sixty days from the date of surrender.

(13) Due regard shall be given to the privacy of the surrendering parents and the surrendered child by the authorities and agencies involved in the process.

(14) No public notice or advertisement shall be issued in the case of a surrendered child.

(15) In case the surrendering biological parent has not claimed back the child during the reconsideration period, the same shall be intimated by the Specialised Adoption Agency to the Child Welfare Committee on completion of sixty days from the date of surrender.

(16) The reconsideration period for the biological parents is specified in sub-section (3) of section 35 of the Act and no further notice shall be issued to the surrendering parents.

(17) The Child Welfare Committee shall issue an order signed by at least three members declaring the surrendered child as legally free for adoption after the expiry of sixty days from the date of surrender, in the format in the **Schedule I**.

(18) The Child Study Report and Medical Examination Report of the surrendered child shall be prepared and posted on the Designated Portal by the Specialised Adoption Agency, within ten days from the date the child is declared legally free for adoption, in the format in the **Schedule II** and **Schedule III** of these regulations respectively.

(19) The Child Study Report and Medical Examination Report shall be made available in English (apart from the regional language of the concerned area) and the District Child Protection Unit shall facilitate the Specialised Adoption Agency in uploading the Child Study Report and Medical Examination Report on the Designated Portal, in case the Specialised Adoption Agency is facing any technical difficulty.

(20) Strict confidentiality shall be maintained in cases of all documents pertaining to biological parents in all circumstances unless the surrendering parents have expressed their willingness for divulging the same:

Provided that only the child shall have access to the surrendered deed.

(21) The surrender of a child before the Child Welfare Committee shall be in camera.

(22) The surrender of child or children by the biological parents for adoption by the step-parent shall be before the Child Welfare Committee in the format provided in the **Schedule XX**.

8. Availability of child for adoption.—(1) As soon as a child is declared legally free for adoption by the Child Welfare Committee, such child shall be allowed to be given in adoption to prospective adoptive parents who is a resident Indian or non-resident Indian or a Overseas Citizen of India Cardholder.

(a) a normal child below the age of five years shall be referred to resident Indian or non-resident Indian or Overseas Citizen of India Cardholder prospective adoptive parents for sixty days;

(b) a normal child above the age of five years or siblings shall be referred to resident Indian or non-resident Indian or Overseas Citizen of India Card holder prospective adoptive parents for thirty days;

(c) categories of children mentioned in clause (a) and (b) above who have not been placed in adoption in the prescribed time limit shall be made available to resident Indian or non-resident Indian or Overseas Citizen of India Card holder prospective adoptive parents for seven days irrespective of their seniority;

(d) thereafter, categories of children mentioned in clause (a) to (c) above shall be referred to foreign prospective adoptive parents for fifteen days.

(2) Procedure related to special needs child or children:-If the child has any disability as listed in the **Schedule XVIII** and **Schedule III (Part E)** of the Medical Examination Report, such a child shall be made available for resident Indian or non-resident Indian or Overseas Citizen of India Card holder prospective adoptive parents for fifteen days and thereafter shall be made available for all categories of prospective adoptive parents.

(3) Procedure related to hard to place children: - As far as hard to place children are concerned, such children shall be made available for adoption as provided in sub-regulation (13) of regulation 2.

Explanation:-For the purposes of this regulation, it is hereby clarified that the time limit shall be calculated from the date when the certificate issued by the Child Welfare Committee declaring the child as legally free for adoption is uploaded on the Designated Portal.

9. **Priority in adoption referral.—** (1)The resident Indian or non-resident Indian or Overseas Citizen of India Cardholder prospective adoptive parents shall be allowed choice of two states based on identity documents proof such as Aadhar Card or Passport or Voter card or Driving License or Birth Certificate or Overseas Citizen of India Card of either spouse, or otherwise they can choose a cluster of States as per their identification.

(2) All prospective adoptive parents shall be able to indicate whether they want to adopt a specific category of child having special needs and shall be able to reserve a child from the "Hard to Place Child" category.

(3) When resident Indian or non-resident Indian or Overseas Citizen of India Cardholder prospective adoptive parents do not reserve a child, out of three referrals, such parents shall be debarred for a period of one year, after which they shall be eligible for fresh registration and the foreign prospective adoptive parents shall also be debarred for a period of one year if they do not reserve a child out of two referrals.

(4) If the adoptive parents are found to be the cause of the disruption or dissolution, they shall be barred from adopting again.

CHAPTER III
ADOPTION PROCEDURE FOR RESIDENT INDIANS

10. **Registration and home study of the prospective adoptive parents.—** (1) The Indian prospective adoptive parents, if interested to adopt an orphan or abandoned or surrendered child, may apply for the same on the Designated Portal by filling up the online application form, as provided in the **Schedule VI**, and uploading the relevant documents within thirty days thereby registering themselves as prospective adoptive parents.

(2) The prospective adoptive parents shall be permitted two state choices or they may choose a cluster of states as per their identification.

(3) Registration on the Designated Portal shall be a deemed registration in all Specialised Adoption Agencies of the State or States they have opted for.

(4) The prospective adoptive parents shall get their registration number from the acknowledgement slip which may be used for viewing the progress of their application.

(5) The registration shall be completed and confirmed to the prospective adoptive parents immediately once the application form as provided in the **Schedule VI** are uploaded on the Designated Portal.

(6) After registration, prospective adoptive parents shall apply to a Specialised Adoption Agency or District Child Protection Unit nearest to their residence for conducting the Home Study.

(7) The Home Study Report of the prospective adoptive parents shall be prepared through the social worker of the selected Specialised Adoption Agency or the empanelled social worker of the District Child Protection Unit or the State Adoption Resource Agency who shall also be responsible for providing pre-adoption counselling to the prospective adoptive parents.

(8) The Home Study Report shall be completed in the format given in the **Schedule VII**, within sixty days from the date of submission of requisite documents and shall be shared with the prospective adoptive parents immediately, thereafter.

(9) The Home Study Report shall be posted on the Designated Portal by the Specialised Adoption Agency within a period of three days from the date of completion of Home Study Report.

(10) The Home Study Report shall remain valid for three years and shall be the basis for adoption of a child by the prospective adoptive parents from anywhere in the country.

(11) The District Child Protection Unit shall facilitate online registration of application of prospective adoptive parents, uploading of their documents and also for addressing technical difficulties faced by the Specialised Adoption Agencies.

(12) The adoption of a child by the prospective adoptive parents, after completion of their Home Study Report, shall depend upon the availability of a suitable child.

11. **Referral of a child from a Specialised Adoption Agency through the Designated Portal to prospective adoptive parents.—**(1)The seniority of the prospective adoptive parents for child referral shall be from the date of completion of registration process on the Designated Portal.

(2) On the basis of seniority, the prospective adoptive parents shall be referred maximum three referral with one month interval in between two consecutive referrals subject to availability of children through the Designated Portal which shall include their photographs, Child Study Report and Medical Examination Report, in their preference category, if any, from one or more Specialised Adoption Agencies.

(3) After viewing the profile of the child or children on the Designated Portal, the prospective adoptive parents may reserve the child or children within a period of forty-eight hours for possible adoption and the unreserved child or children shall be released by the Designated Portal for other prospective adoptive parents in the waiting list.

(4) The Specialised Adoption Agency shall get the details of the prospective adoptive parents through the Designated Portal for fixing an appointment with the prospective adoptive parents for matching, to assess the suitability of the prospective adoptive parents by an Adoption Committee as defined in sub-regulation (2) of regulation 2 and the Adoption Committee shall prepare the minutes of the meeting as per format provided in the **Schedule XXVII**.

(5) The Chairperson and another member shall form the quorum of the Adoption Committee in case of adoption from a Specialised Adoption Agency and in case of adoption from a Child Care Institution, the committee shall constitute Chairperson and two other members of the committee as specified in sub-regulation (2) of regulation 2.

(6) The Adoption Committee shall scrutinise the requisite documents as stipulated for the prospective adoptive parents and listed in the **Schedule IX (Part 1)** of the regulations.

(7) The Specialised Adoption Agency shall organise a meeting of the prospective adoptive parents with the child.

(8) At the time of matching, the social worker of Specialised Adoption Agency concerned shall orient the prospective adoptive parentsfor taking care of the child and also older child or children about their rights and responsibilities.

(9) The entire process of matching shall be completed within a maximum period of thirty days from the date of reserving the child.

(10) The prospective adoptive parents shall raise their grievance to District Child Protection Unit regarding the matching of the child, if any.

(11) While accepting the child, the prospective adoptive parents shall sign the Child Study Report and Medical Examination Report which may be downloaded from the Designated Portal, in the presence of the social worker or chief functionary of the Specialised Adoption Agency and the Specialised Adoption Agency shall record the acceptance by the prospective adoptive parents on the Designated Portal.

(12) In case the prospective adoptive parents are not selected for the child by the Adoption Committee, the reason for non-selection of the prospective adoptive parents shall be recorded on the Designated Portal.

(13) If grounds of rejection after the enquiry are found to be due to systemic error or on non-justiciable reasons, seniority of the prospective adoptive parents shall be retained.

(14) In case the prospective adoptive parents do not accept the reserved child, the prospective adoptive parents shall be relegated to the bottom of the seniority list, as on that date, who may avail a fresh chance when the seniority becomes due and the same procedure shall be followed in the subsequent chances.

(15) In all cases referred to in sub-regulations (12), the reasons for not considering the prospective adoptive parents have to be clearly stated on the Designated Portal.

(16) The registration of prospective adoptive parents shall continue till the time they have not exceeded the maximum composite age, i.e. fifty five years for single and one hundred ten years for couple as provided in sub-regulation (4) of regulation 5 and subject to revalidation of the Home Study Report in every three years.

(17) The prospective adoptive parents may also get the Medical Examination Report of the child reviewed by a medical practitioner of their choice before giving their acceptance for adoption of the child.

12. Pre-adoption foster care.— (1) The child shall be taken in pre-adoption foster care by the prospective adoptive parents within ten days from the date of matching, after signing the pre-adoption foster care undertaking in the format provided in the **Schedule VIII**.

(2) The prospective adoptive parents shall provide original documents or notarised or self-attested

copy of the original documents to the Specialised Adoption Agency as provided in the **Schedule IX**.

13. Adoption Order.— (1) The Specialised Adoption Agency shall file an application with the District Magistrate of the district through District Child Protection Unit where the child is located, along with relevant documents as provided in the **Schedule IX** within ten days from the date of matching of the child with the prospective adoptive parents.

(2) The Specialised Adoption Agency shall file an application in the office of the District Magistrate through District Child Protection Unit in the given format as provided in the **Schedule XXVIII.**

(3) In case the child is from a Child Care Institution, which is not a Specialised Adoption Agency and is located in another district, the Specialised Adoption Agency shall file the application in the office of the District Magistrate in the district through District Child Protection Unit where the child is located and in such a case, the Child Care Institution shall be a co-applicant along with the Specialised Adoption Agency and the Child Care Institution shall render necessary assistance to the Specialised Adoption Agency concerned.

(4) In case of siblings or twins, the Specialised Adoption Agency shall file single application with the District Magistrate through District Child Protection Unit.

(5) The Specialised Adoption Agency shall not make any opposite party or respondent in the adoption application since an adoption case is non-adversarial in nature.

(6) The District Magistrate shall hold the adoption proceeding in-camera and dispose of the case as early as possible, not exceeding two months from the date of filing of the adoption application by the Specialised Adoption Agency, as provided under sub- section (2) of section 61.

(7) The adoptive parents shall not be asked in the adoption order to execute any bond or make investment in the name of the child, considering the fact that their psycho-social profile and financial status have already been ascertained from the Home Study Report and other supporting documents.

(8) The Specialised Adoption Agency shall obtain a certified copy of the adoption order from the District Magistrate through the District Child Protection Unit and forward it to the prospective adoptive parents within ten days via e-mail and shall also upload it on the Designated Portal which could be downloaded by the prospective adoptive parents.

(9) The Specialised Adoption Agency shall apply to the birth certificate issuing Authority for obtaining the birth certificate of the child within five days from the date of issuance of adoption order, with the name of adoptive parents as parents, and date of birth as recorded in the adoption order and the same shall be issued by the issuing Authority within five days from the date of receipt of the application.

(10) The Specialised Adoption Agency shall submit an affidavit to the District Magistrate while filing the application as provided in the **Schedule XXIII.**

(11) In case the recognition of Specialied Adoption Agency has not been renewed or not likely to be renewed soon, then the District Child Protection Unit concerned shall directly file the application before the District Magistrate after completing its scrutiny.

14. Follow-up of progress of adopted child.— (1) The Specialised Adoption Agency which has prepared the Home Study Report, shall prepare the post-adoption follow-up report on six monthly basis for two years from the date of pre-adoption foster placement with the adoptive parents, in the format as provided in the **Schedule XII** and upload the same on the Designated Portal along with photographs of the child within ten days from the conduction of such report.

(2) In case the adoptive parents relocate, they shall inform the agency which has conducted their home study and the District Child Protection Unit of the district where they relocate.

(3) The District Child Protection Unit of the district of the current residence of the prospective adoptive parents shall prepare the post-adoption follow-up report and upload the same on the Designated Portal within ten days from the conduction of such report:

Provided that first follow-up report of the adopted child shall be done within three months from the date of pre-adoption foster care.

(4) In case of non-adjustment of both the child and the adoptive family with each other, the Specialised Adoption Agency or the District Child Protection Unit shall arrange the required counselling for such adoptive parents and adoptees or link them to the counselling services available within the district or state within seven days with due intimation to the State Adoption Resource Agency and the District Magistrate:

Provided that in case of non-compliance for three consecutive post adoption follow-ups the District Child Protection Unit shall prepare the social investigation report and inform the Child Welfare Committee for further action as may deem fit.

(5) **Procedure of disruption**- In case of disruption in in-country adoption.—

(a) at the stage of pre-adoption foster care before filing an adoption application, the child shall be taken back to the Specialised Adoption Agency with information to District Child Protection Unit and State Adoption Resource Agency;

(b) at the stage of pre-adoption foster-care after the application has been filed with the District Magistrate through District Child Protection Unit, the child shall be taken back by the Specialised Adoption Agency and adoption application shall be withdrawn with prior permission from the Child Welfare Committee with intimation to the District Child Protection Unit and the State Adoption Resource Agency and the status of the child onthe Designated Portal shall be updated by the Specialised Adoption Agency accordingly;

(c) where the child has been taken to another state during the adoption process, the relocation of the child shall be coordinated by the State Adoption Resource Agency in the state where the child is currently residing and the State of origin.

(6) **Procedure for dissolution**-In case of dissolution in in-country adoption.-

(a) In case of dissolution, the application for annulment of adoption order shall be filed by the Specialised Adoption Agency with the District Magistrate through District Child Protection Unit;

(b) No application should be filed until two counselling sessions have been completed by the local Specialised Adoption Agency or District Child Protection Unit before making any decision concerning disruption or dissolution;

(c) Post dissolution order, the child shall become legally free for adoption;

(d) The Specialised Adoption Agency or the District Child Protection Unit shall update the child's status as legally free for adoption on the Designated Portal within three days.

(7) Where the Indian adoptive parents move with the child abroad, within two years from the date of pre-adoption foster care, the concerned Indian Diplomatic Mission in the country of arrival in case of Non-Hague countries and Authorised Foreign Adoption Agencies or Central Authorities in Hague countries, shall be intimated at least fifteen days in advance through a written communication for the purpose of remaining follow up reports by the adoptive parents with their full contact details at the new place.

(8) The onus of getting the balance post-adoption follow-up is with the adoptive parents and they have to bear the professional charges on their own, and further the adoptive parents shall give an undertaking to the Authority to that effect.

CHAPTER IV

ADOPTION PROCEDURE FOR NON-RESIDENT INDIAN, OVERSEAS CITIZEN OF INDIA CARDHOLDER AND FOREIGN PROSPECTIVE ADOPTIVE PARENTS

15. Non-resident Indian and Overseas Citizen of India Cardholder to be treated at par with resident Indian.—Non-resident Indian and Overseas Citizen of India Cardholder prospective adoptive parents shall be treated at par with Indians living in India in terms of priority for adoption of orphan, abandoned or surrendered children.

16. Registration and Home Study Report for prospective adoptive parents for inter-country adoption.—(1)Any non-resident Indian, Overseas Citizen of India Cardholder or foreign prospective adoptive parents , living in a country which is a signatory to the Hague Adoption Convention and wishing to adopt an Indian child, can approach the Authorised Foreign Adoption Agency or the Central Authority concerned, as the case may be, for preparation of their Home Study Report and for their registration on the Designated Portal.

(2) In case, there is no Authorised Foreign Adoption Agency or Central Authority in their country of habitual residence, then the non-resident Indian or Overseas Citizen of India Cardholder prospective adoptive parents shall approach the Government department or Indian diplomatic mission concerned in that country for the purpose.

(3) The Authorised Foreign Adoption Agency or Central Authority or the Government department or the Indian diplomatic mission concerned, as the case may be, on ascertaining the eligibility of the prospective adoptive parents for adopting a child, shall get their Home Study Report completed and register their application on the Designated Portal along with the required documents as specified in the **Schedule VI**.

(4) The seniority of the prospective adoptive parents shall be counted from the date of their registration and uploading of requisite documents on the Designated Portal.

(5) The Home Study Report and other documents of the prospective adoptive parents, referred to in this Chapter, shall be scrutinised at the Authority in order to determine their eligibility and suitability.

(6) The profiles of two children, in one or two referrals with one month interval between two consecutive referrals, shall be forwarded through the Designated Portal to the Authorised Foreign Adoption Agency or Central Authority or Government department or Indian diplomatic mission, as the case may be, which may further forward such profiles to the prospective adoptive parents concerned as per local rules:

Provided that in case of the non-resident Indian and Overseas Citizen of India Cardholder prospective adoptive parents, the number of referrals shall be as that of resident Indians.

(7) The prospective adoptive parents may reserve the referred child within ninety-six hours.

(8) In case the prospective adoptive parents fail to reserve the child within ninety-six hours, then the profile of the child shall stand automatically withdrawn.

(9) Preference of the prospective adoptive parents shall be taken into consideration when sending referrals to them.

(10) If the prospective adoptive parents reserve the child shown, they shall accept the referral by signing the Child Study Report and Medical Examination Report of the child within thirty days from the date of reservation.

(11) The Child Study Report, Medical Examination Report and photograph of the child, in original, shall be sent by the Specialised Adoption Agency to the Authorised Foreign Adoption Agency or Central Authority or the Indian diplomatic mission concerned.

(12) In case the prospective adoptive parents fail to accept the reserved child within thirty days, then the profile of the child shall stand withdrawn from the Designated Portal and the seniority of the prospective adoptive parents shall be relegated to the bottom of the list; and shall be given another opportunity to reserve and accept a child when their turn becomes due, provided that their Home Study Report remains valid.

(13) If the prospective adoptive parents desire to visit the Specialised Adoption Agency to see the child in person after reservation, they may be facilitated by the Specialised Adoption Agency to get the Medical Examination Report of the child reviewed by a medical practitioner of their choice.

(14) The Authorised Foreign Adoption Agency shall forward the original documents of the prospective adoptive parents, as specified in the **Schedule IX**, to the Specialised Adoption Agency concerned for their scrutiny.

(15) All documents forming part of the Home Study Report shall be notarised and the signature of the notary is to be apostilled by the Competent Authority of the receiving country in cases of Hague Adoption Convention ratified countries, however the documents originating from India shall be self-attested.

(16) If the documents are in any language other than English, then the originals must be accompanied by translations in English, duly attested by the agency or Authority in the country of residence of the prospective adoptive parents designated for the purpose of attestation.

17. No Objection Certificate of Authority and pre-adoption foster care.—(1)The Authority shall issue No Objection Certificate in favour of the proposed adoption in the format provided in the **Schedule X**, within ten days from the date of receipt of the acceptance of the child by the prospective adoptive parents and letter of approval or permission of the receiving country as per Article 5 and Article 17 of the Hague Adoption Convention, wherever applicable; and the No Objection Certificate shall be generated online through the Designated Portal .

(2) The prospective adoptive parents may take the child in pre-adoption foster care for a temporary period within India after issuance of No Objection Certificate by the Authority while

the adoption order is pending, by furnishing an undertaking to the Specialised Adoption Agency in the format provided in the **Schedule VIII**.

(3) The prospective adoptive parents shall receive final custody of the child from the Specialised Adoption Agency as soon as the passport and visa are issued to the child after issuance of adoption order from the District Magistrate.

18. Adoption Order.— (1) The legal procedure as provided in regulation 13 shall, *mutatis mutandis* be followed in cases of inter-country adoption under this Chapter.

(2) On receipt of the No Objection Certificate from the Authority, the Specialised Adoption Agency shall approach the District Child Protection Unit within five days with the adoption application and the District Child Protection Unit shall scrutinise the application for submission of the dossier to the District Magistrate within five days in the format provided in the **Schedule XXIX:**

Provided that the aforesaid timeline shall be reduced to three days at each stage once it is enabled through the online mode.

(3) In cases of the prospective adoptive parents habitually residing abroad desire the Specialised Adoption Agency to represent on their behalf, the application shall also be accompanied by a Power of Attorney in favour of the social worker or adoption in-charge of the Specialised Adoption Agency which is processing the case and such Power of Attorney shall handle the case on behalf of the prospective adoptive parents.

19. Passport and visa, intimation to immigration authorities, Conformity Certificate, Birth Certificate, etc.— (1) The Authority shall issue a Conformity Certificate under Article 23 of the Hague Adoption Convention in the format provided in the **Schedule XI** within three days from the date of availability of the adoption order on the Designated Portal, in case the receiving country of the adopted child is a signatory to the Hague Adoption Convention.

(2) The Authority shall inform the immigration authorities and the foreign regional registration office about confirmation of the adoption.

(3) To obtain Indian passport for the adopted child, the Specialised Adoption Agency shall submit the application to the regional passport officer within three days from the date of receipt of the adoption order.

(4) The regional passport office shall issue passport for the adopted child within ten days from the date of receipt of application, in accordance with the circulars regarding issuance of passport to inter-country adopted children, issued by the Ministry of External Affairs of the Central Government from time to time.

(5) The Specialised Adoption Agency shall approach the birth certificate issuing Authority for obtaining birth certificate of the adopted child, with the name of adoptive parents, as parents, and date of birth as recorded in the adoption order within a period of five days of obtaining of the certified copy of the adoption order.

(6) The adoptive parents shall come to India for taking the adopted child to their country within a period of two months from the date of adoption order.

20. Follow-up of progress of adopted child by Non-resident Indian, Overseas Citizens of India Cardholder and foreign adoptive parents.—(1) The Authorised Foreign Adoption Agency or the Central Authority or Indian diplomatic mission or Government department concerned, as the case may be, shall report the progress of the adopted child for two years from the date of arrival of the adopted child in the receiving country, on a quarterly basis during the first year and on six monthly basis in the second year, by uploading information online on the Designated Portal along with photographs of the child as provided in the **Schedule XII**.

(2) On the basis of the progress report or in course of post-adoption home visits, if an adjustment problem of an adoptee with the adoptive parents comes to the notice of the Authorised Foreign Adoption Agency or Central Authority or the Government department concerned in the receiving country, necessary counselling shall be arranged for the adoptive parents and for the adoptee, wherever applicable.

(3) If it is found that the adoptee is unable to adjust in the adoptive family or that the continuance of the child in the adoptive family is not in the interest of the child, the Authorised Foreign Adoption Agency or Central Authority or the Government department in the receiving country, as the case

may be, shall withdraw the child and provide necessary counselling and shall arrange for suitable alternate adoption or foster placement of the child in that country, in consultation with the Indian diplomatic mission and the Authority.

(4) In case of disruption or dissolution of adoption, the child shall be entitled to receive care, protection and rehabilitation through the child protection services of that country and as provided in the Hague Adoption Convention.

(5) The Authorised Foreign Adoption Agency or Central Authority or Government department concerned shall contact Indian diplomatic mission to render necessary help and facilitate the repatriation of the child, if required.

(6) The Authorised Foreign Adoption Agency or Central Authority or Government department concerned, may organise annual get-together of Indian adoptees and their adoptive parents and forward a report of the event to the Authority.

(7) The prospective adoptive parents shall furnish an undertaking to the effect that they shall allow personal visits of the representative of Authorised Foreign Adoption Agency, the foreign Central Authority or Government department concerned, as the case may be, to ascertain the progress of the child with the adoptive parents or family at least for a period of two years from the date of arrival of the child in the receiving country.

21. **Adoption by Overseas Citizen of India Cardholder or foreign national of Hague Adoption Convention ratified countries living in India.—**(1) An Overseas Citizen of India Cardholder or foreign national, who is a citizen of a country that has ratified the Hague Adoption Convention and is a habitual resident of India, shall apply for adoption online in prescribed format as provided in the **Schedule VI** along with the required documents specified therein including No Objection Certificate from their Embassy or High Commission for adoption by uploading on the Designated Portal.

(2) On receipt of the application, along with the required documents duly notarised, except those documents originating from India which may be self-attested, the Authority shall refer the case to a Specialised Adoption Agency or District Child Protection Unit for preparing the Home Study Report in the format provided in the **Schedule VII** and the Specialised Adoption Agency shall upload the Home Study Report on the Designated Portal.

(3) The prospective adoptive parents shall reserve one of the referred children within forty-eight hours and the procedures shall be followed as per the provisions of sub-regulations (9), (10), (12) and (13) of regulation 16 and regulations 17 to 19 as applicable.

(4) The preparation of Home Study Report and uploading of progress report as required under these regulations shall be done by the Specialised Adoption Agency or District Child Protection Unit concerned.

(5) The Specialised Adoption Agency shall report the progress of the child on six monthly basis for a period of two years from the date of pre-adoption foster care by uploading the details on the Designated Portal in the format as provided in the **Schedule XII** along with photographs of the child:

Provided that the first post-adoption follow-up report shall be completed within the three months of the pre-adoption foster care.

(6) During the follow-up, if the Specialised Adoption Agency finds that the adoptee is unable to adjust in the adoptive family or the continuance of the adoptee in the adoptive family is not in the best interest of the child, counselling shall be arranged for the adoptive parents and the adoptee and further, the procedure as provided in sub-regulations (4), (5) and (6)of regulation 14 shall be followed.

(7) The diplomatic mission concerned shall also ensure that the adopted child acquires citizenship of the country of their parents immediately after adoption decree and a copy of the passport of the child from the country of the nationality of the prospective adoptive parents shall be forwarded to the Authority and the Specialised Adoption Agency concerned.

(8) An Overseas Citizen of India Cardholder or foreign prospective adoptive parents living in India, are required to give an affidavit to the effect that they shall allow personal visits of the representative by the Specialised Adoption Agency or District Child Protection Unit or State Adoption Resource Agency, as the case may be, for a period of at least two years from the date of adoption.

(9) An Overseas Citizen of India Cardholder or foreign prospective adoptive parents living in India, as the case may be, shall give an undertaking to the effect that if they move out of India before

completion of two years after adoption, they shall inform to the Authority about their movement, furnish their new address, and continue to send their post-adoption progress report to the Authority for the remaining period.

(10) On receiving information for change of location of the adoptive parents to a different country, the adoptive parents shall be assigned a foreign adoption agency, Central Authority through which remaining post-adoption follow-up shall be sent under intimation to the Indian Mission concerned so that in case of any difficulty, disruption or dissolution, the Mission can provide necessary assistance.

22. Adoption by Indian prospective adoptive parents who are habitual resident or are having permanent residence of another country.— (1) In all such cases, if the prospective adoptive parents are habitually residing in a foreign country have to approach the adoption authority of the receiving country for preparing the Home Study Report and for their online registration on the Designated Portal.

(2) In such cases, if the prospective adoptive parents are temporarily residing in India shall approach to embassy or high commission of the receiving country located in India for allowing them to go ahead with their adoption process and on receiving such information shall register on the Designated Portal.

(3) If one of the prospective adoptive parents is a foreigner and other is an Overseas Citizen of India Cardholder or Indian, such case shall be treated at par with Indians living in India for considering priority in adoption placement.

(4) The adoption procedure can be carried out in accordance with regulation 21 of the Adoption Regulations for such prospective adoptive parents.

23. Procedure for adoption of a child from a foreign country by Indian citizens.— (1) Necessary formalities for adoption of a child from a foreign country by Indian citizens shall initially be completed in that country as per their law and procedure.

(2) On receiving Home Study Report of the prospective adoptive parents (including supporting documents), Child Study Report and Medical Examination Report of the child, the Authority shall issue the approval, as required in the cases of adoption of children coming to India as a receiving country under Article 5 or Article 17 of the Hague Adoption Convention.

(3) A child adopted abroad by the Indian citizens, having a foreign passport, and requiring the Indian visa to come to India, shall apply for visa or Overseas Citizen of India Card to the Indian mission in the country concerned, who may issue entry visa to the child after checking all the relevant documents so as to ensure that the adoption has been done following the due procedure.

(4) The immigration clearance for the child adopted abroad shall be obtained from the Central Government in the Foreigner's Division, Ministry of Home Affairs, through the Indian diplomatic mission to that country.

CHAPTER V
RECOGNITION, INSPECTION AND FUNCTION OF ADOPTION AGENCIES

24. Recognition of Specialised Adoption Agency.—(1) Any Child Care Institution, intending to be recognised as Specialised Adoption Agency to place children in in-country and inter-country adoption, shall submit an application on the Designated Portal as provided in the **Schedule XXVI**, along with the following documents to the State Government concerned, namely:—

(a) a copy of the registration certificate under the Societies Registration Act, 1860 (21 of 1860), the Indian Trusts Act, 1882 (2 of 1882) or any other corresponding law for the time being in force;

(b) a copy of its Memorandum of Association, rules, regulations and bye-laws;

(c) a copy of the registration certificate as Child Care Institution under the act;

(d) a list of management committee or executive committee or board members showing that the majority of the members of such committee or board are Indian citizens;

(e) annual reports including audited accounts for the last three years;

(f) resolution by the agency supporting the decision for placing orphan, abandoned or surrendered children in adoption;

(g) undertaking of the chief functionary of the Child Care Institution in its letter head to abide by the relevant rules in force in respective States and these Regulations;

(h) undertaking of the chief functionary of the Child Care Institution in its letter head to regularly update data on the Designated Portal and to have necessary facilities for the same;

(i) supporting documents indicating that the organisation has been engaged in child protection and welfare activities;

(j) list of children in the institution;

(k) list of professional social worker and qualified child care staff.

(2) The State Government shall issue a certificate of recognition to a Child Care Institution as a Specialised Adoption Agency within three months from the date of application, if the Child Care Institution is found fit to be considered as a Specialised Adoption Agency, based upon inspection conducted for the purpose.

(3) The recognition to a Specialised Adoption Agency to place children both in in-country and inter-country adoption shall be for a period of five years, unless it is revoked earlier on the grounds as mentioned in regulation 26.

25. Criteria and procedure for renewal of recognition of Specialised Adoption Agency.—(1)The State Government shall take into consideration the following factors before renewal of recognition of a Specialised Adoption Agency, namely:—

(a) whether the Specialised Adoption Agency has satisfactorily performed in adoption placement;

(b) whether it has regularly updated data on the Designated Portal and meeting the timelines specified for Specialised Adoption Agency in these Regulations;

(c) whether it has followed the provisions of these regulations as also instructions issued by the State Government, State Adoption Resource Agency and the Authority in handling matters related to adoption;

(d) whether it indulged in any malpractice;

(e) whether it made proper utilisation of the adoption fee as provided in the **Schedule XV**

(f) whether it maintains the standards of child care as provided in the **Schedule XIII**.

(2) The Specialised Adoption Agency shall apply six months before the expiry of its recognition for renewal with the following documents and information, namely:—

(a) number of children restored to biological parents, relatives or guardians during the period of last recognition with details;

(b) number and details of children placed in in-country and inter-country adoption and details of post-adoption follow-up thereof during the period of last recognition;

(c) details of year wise receipt of adoption fee and its utilisation during the period of last recognition;

(d) an affidavit declaring that it has been regularly updating the data on the Designated Portal;

(e) an affidavit stating that it agrees to abide by these regulations as also the instructions issued by the State Government or State Adoption Resource Agency or the Authority from time to time.

(3) The recognition to a Specialised Adoption Agency shall be renewed by the State Government before the expiry of existing recognition, for a period of five years, if the Specialised Adoption Agency is found fulfilling the eligibility factors specified in sub-regulation (1) and furnishing the documents and information specified in sub-regulation (2), and on the basis of inspection conducted for the purpose.

(4) In case the Specialised Adoption Agency has applied for recognition or renewal with the State Government and the provisional registration certificate has not been issued by the State Government within one month from the date of application, the proof of receipt of application for registration shall be treated as provisional recognition to run the agency for a maximum period of six months.

(5) In case the renewal of recognition of a Specialised Adoption Agency is pending, all the pending adoption cases shall be allowed to proceed subject to all other provisions of these regulations being fulfilled.

26. Suspension or revocation of recognition of Specialised Adoption Agency.— (1) The State

Government, shall act upon, *suo-motu* or on the recommendation of State Adoption Resource Agency or the Authority, either suspend or revoke the recognition granted to a Specialised Adoption Agency on any of the grounds specified in the sub-regulation (2).

(2) The recognition of a Specialised Adoption Agency may be suspended on any one or more of the following grounds, namely :—

(a) violation of any of the provisions of the Act or the rules made thereunder, relating to adoption as well as these regulations;

(b) furnishing false information or forged documents to State Adoption Resource Agency or the State Government or the Authority or on the Designated Portal;

(c) incomplete or false information to prospective adoptive parents, Child Welfare Committee or District Child Protection Unit about the child or any adoption related process;

(d) failure to update data online on the Designated Portal;

(e) failure to submit reports or data within the time limits specified in these regulations;

(f) adverse findings of the inspection team of the Central Government, the Authority, State Government or State Adoption Resource Agency concerned, regarding the functioning of the Specialised Adoption Agency;

(g) if professional social worker and qualified child care staff are not employed;

(h) financial irregularities or malpractices or receiving any donation whether in kind or cash from prospective adoptive parents or adoptive parents;

(i) misuse or diversion of adoption fee or grant received from the Government for the purposes other than the purposes for which they were received;

(j) unethical acts, such as expecting or demanding fees or gifts from potential adoptive parents in addition to adoption fee already specified by the Authority, inducing single mothers or biological parents to relinquish their child or illegally sourcing the child;

(k) divulging information of biological mother or parents or adoptee to public in violation of the principles of confidentiality;

(l) non-compliance of instructions issued from time to time by the Authority, State Government concerned or the State Adoption Resource Agency;

(m) abuse or neglect of children in the Specialised Adoption Agency.

(3) No order for suspension or revocation of authorisation shall be passed without giving an opportunity to the Specialised Adoption Agency to offer its explanation.

(4) After suspension of recognition of a Specialised Adoption Agency, the State Government or the State Adoption Resource Agency concerned shall conduct necessary enquiries within a maximum period of six months, and if charges are proven, the State Government concerned shall revoke the recognition of the Specialised Adoption Agency.

(5) In case of revocation of recognition of a Specialised Adoption Agency, the State Government concerned shall prepare an alternate rehabilitation plan for the children in that home, including shifting them to another Specialised Adoption Agency, within thirty days.

(6) In the event of suspension or revocation of recognition or closure of the Specialised Adoption Agency, the cases where referrals have been accepted by the prospective adoptive parents shall be allowed to proceed for final adoption, subject to all other provisions of these regulations being fulfilled.

(7) In all such cases referred to in sub regulation (6), the District Child Protection Unit of the District or any other agency where the children have been transferred shall be responsible for processing the cases as decided by State Adoption Resource Agency.

27. Inspection of Specialised Adoption Agencies.— (1)The State Government concerned shall inspect the Child Care Institution before considering its recognition or renewal as a Specialised Adoption Agency as provided in the Form 46 A of rules.

(2) The State Government or State Adoption Resource Agency concerned shall conduct annual inspections of Specialised Adoption Agencies to ensure that they are performing efficiently and as per norms laid down in the Form 46 of rules.

28. Entitlement to grants under other Government notified schemes.-A Specialised Adoption Agency is entitled to receive grants-in-aid under other Government notified schemes, subject to the

fulfillment of terms and conditions under such scheme.

29. Specialised Adoption Agencies to maintain accounts.— (1)The Specialised Adoption Agency shall utilise funds received as adoption fee in accordance with norms as provided in the **Schedule XV** or as may be prescribed by the Authority from time to time.

(2) The Specialised Adoption Agency shall maintain proper accounts including utilisation of adoption fee and Government grant under other Government notified schemes to be audited by a chartered accountant every year.

(3) An attested copy of the audited accounts of the organisation alongwith its audit report, a copy of the annual report and report in accordance with the provisions of the Foreign Contribution (Regulation) Act, 1976 (49 of 1976) shall be furnished within six months from the date of closing of the financial year to State Adoption Resource Agency or the State Government concerned.

30. Functions of Specialised Adoption Agencies.— The Specialised Adoption Agency shall perform the following functions, in addition to those assigned to them under these regulations, to facilitate placement of orphan, abandoned and surrendered children in adoption, namely:—

(1) Function towards children: Every Specialised Adoption Agency shall:—

(a) be responsible for the care, protection and well-being of every child in its charge and shall cater to their health needs; emotional and psychological needs; educational and training needs; leisure and recreational activities; protection from any kind of abuse, neglect and exploitation; social mainstreaming and restoration, as the case may be, and follow-up;

(b) report all cases of admissions, restorations, transfers, death and adoption of children, as well as about children missing from the institution, if any to the Child Welfare Committee, District Child Protection Unit, State Adoption Resource Agency and the Authority through the Designated Portal;

(c) submit the status of every orphan, abandoned and surrendered child on the Designated Portal, which is accessible on the website www.cara.nic.in;

(d) shall upload the certificate, issued by the Child Welfare Committee, declaring the child legally free for adoption on the Designated Portal within forty-eight hours from the receipt of such certificate and also ensure that the certificate has been duly signed by three members of the committee including the chairperson and all appropriate columns have been filled up;

(e) prepare the Child Study Report of all orphan, abandoned and surrendered children, through its social worker, and upload them on the Designated Portal, within ten days from the date such children are declared legally free for adoption by the Child Welfare Committee;

(f) arrange medical tests, as provided in the **Schedule IV,** for all children admitted in its home and prepare the Medical Examination Report through its paediatrician or doctor within a period of one month of the admission of the child in the institution for uploading the same on the Designated Portal, within ten days from the date such children are declared legally free for adoption by the Child Welfare Committee;

(g) inform about the children with special needs admitted in the institution, to the District Child Protection Unit, District Magistrate and the Chief Medical Officer of the district;

(h) produce the child before the Chief Medical Officer of the district with the assistance of the District Child Protection Unit and the District Magistrate concerned, if the child's medical tests indicate a health issue or problem;

(i) treat the child in a public health facility for treatment of their health problem or ailment with the assistance of the Chief Medical Officer of the District;

(j) update the health status of the child on the Designated Portal if the child is ill and when recovered from an ailment;

(k) prepare individual care plan as per Form 7 of the Rules for each child following the principle of the best interests of the child:—

(i) restoration to the biological family or legal guardian;

(ii) in-country adoption;

(iii) inter-country adoption;

(iv) foster care; and

(v) institutional care.

(l) Every Specialised Adoption Agency shall prepare an individual care plan for each child, based on age and gender specific needs in respect of the following namely:—

(i) health and medical needs;

(ii) emotional and psychological needs;

(iii) educational and training needs;

(iv) leisure, creativity and play;

(v) attachments and relationships;

(vi) protection from all forms of abuse, neglect and maltreatment;

(vii) rehabilitation including reunion with family, adoption and other non-institutional care;

(viii) social mainstreaming; and

(ix) follow-up after rehabilitation or restoration.

(m) create a memory album, which shall include a photo album of the child, history and details of the child's life i.e. details of surrendering parents not to be mentioned, and interests of the child, which shall be handed over to the adoptive family along with the medical history of the child at the time of handing over the child to the prospective adoptive parents in pre-adoption foster care;

(n) make efforts to place each child in adoption, who has been declared legally free for adoption by Child Welfare Committee;

(o) be responsible to complete referral process of a child to prospective adoptive parents and the legal procedure related to adoption as provided in these regulations;

(p) prepare every adoptable child psychologically for their assimilation with the adoptive family, wherever required;

(q) facilitate interaction of the child with prospective adoptive parents, wherever required;

(r) ensure that siblings and twins are placed in the same Child Care Institution and in the same family, as far as possible;

(s) preserve adoption records in a manner, that such record is accessible to authorised persons only;

(t) facilitate root search by adoptees in the manner as provided under regulation 47;

(u) train the child care staff to be aware and look out for the Red Flags of developmental milestones in all children especially those under five years of age and refer to a pediatrician for a formal assessment wherever required as provided in the **Schedule IV** and also provide them training for taking care of children with special needs;

(v) ensure that the benefits of all the Government schemes that a child is eligible for are applied, for the betterment of the child, including scholarships, anganwadi services and so on.

(2) Functions towards biological parents: Every Specialised Adoption Agency shall:—

(a) treat biological parents of a surrendered child with respect and dignity throughout the surrender process;

(b) maintain confidentiality of unwed mother and biological parents;

(c) counsel the surrendering parents and inform them about a possible root search, in future by their child;

(d) encourage the biological parents surrendering a child to provide maximum information about the background and development of the child as well as their own health;

(e) explain to the parents implication of surrendering their child including possibility of inter-country adoption;

(f) ensure that the consent for surrender and adoption is given by the parents without any coercion or monetary or material consideration;

(g) have no commitment or agreement with biological parents regarding adoption of a child prior to their birth;

(h) inform the parents that they shall have a re-consideration period of sixty days from the date of surrender during which they may take back the child.

(3) Functions towards prospective adoptive parents: Every Specialised Adoption Agency shall:—

(a) treat prospective adoptive parents with respect and extend due courtesy, assistance and advice;

(b) facilitate registration of prospective adoptive parents on the Designated Portal in case they face any difficulty;

(c) counsel the prospective adoptive parents, through an authorised professional social worker or counsellor, to make them aware of the process of adoption and to ascertain the level of their preparedness for the same which include the following, namely: —

(i) acceptance of adoption as an alternative way of building their family;

(ii) preference for child to be adopted;

(iii) emotional readiness to adopt an unrelated child;

(iv) concerns about the social background of the child and genetic factors;

(v) attitude towards parenting and disciplining;

(vi) sharing the fact of adoption with the child, when the child grows up;

(vii) dealing with root search by the adopted child, when the child grows up;

(viii) any other issue that might emerge during the interactions.

(d) complete the Home Study Report of prospective adoptive parents who have opted for the home study by them, within a period of two months from the date of their registration and submission of documents and ensure their revalidation prior to expiry of three years;

(e) continuously update the prospective adoptive parents of the current status and procedure to be followed during the entire adoption process after the child has been reserved by the prospective adoptive parents;

(f) provide additional photographs, video clips of the children to prospective adoptive parents and facilitate their video calls to children after referral;

(g) provide information to prospective adoptive parents about the medical history of the child and the health status of a special needs child, if such a child is proposed for adoption;

(h) provide the immunisation record and recent diagnostic reports as well as any vital information relating to child including their food and social habits and memory album to the prospective adoptive parents;

(i) provide a copy of the adoption order from the District Magistrate, birth certificate and passport wherever required, to the adoptive parents as and when available;

(j) place a child in pre-adoption foster care on completion of referral and after observing necessary procedural formalities as laid down in these regulations;

(k) extend post adoption services including counselling to the prospective adoptive parents , if required;

(l) ensure that the social worker while conducting home study verifies the information and required documents provided by the prospective adoptive parents at the time of registration;

(m) complete revalidation of the home study of the prospective adoptive parents prior to expiration of their validity period and in the event they are not found eligible or suitable to adopt, all such Home Study Reports shall be referred to the District Child Protection Unit;

(n) provide additional assistance to inter-country adoptive parents, such as filing an application for the child's passport with the regional passport officer, applying for the child's birth certificate as soon as the adoption order is received, and handing over the adopted child's passport, birth certificate, adoption order and photo album of the child etc. to the adoptive parents to facilitate their departure;

(o) address all the grievances of prospective adoptive parents and adoptive parents within forty eight hours through the Designated Portal.

(4) Functions relating to counselling: The functions of the Specialised Adoption Agency in respect of counseling shall include the following, namely:—

(a) counselling of biological parents in case of surrender;

(b) pre-adoption counseling of prospective adoptive parents during preparation of Home Study Report and matching process and linking them to the counseling centre at the Authority or State Adoption Resource Agency or District Child Protection Unit, wherever required;

(c) counselling of older children before and during adoption;

(d) counselling of adoptive parents whenever required;

(e) post-adoption counselling of the adoptees, when contacted by them in search of their roots.

(5) Other functions of Specialised Adoption Agency are as under:

(a) organise training and orientation activities to spread awareness about the adoption programme; train its childcare and professional staff about the procedures provided in the provision of these Regulations; ensure that application of in-country adoption is forwarded to the District Child Protection Unit within five days of pre-adoption foster care for the purpose of scrutiny; and similarly, in cases of inter-country adoption, application to be forwarded to the District Child Protection Unit within five days from the date of receipt of complete dossier from the Authorised Foreign Adoption Agency for scrutiny; and such other functions as may be assigned to it by the State Government.

(b) set up cradle baby point at its own home to receive abandoned children and may set up cradle baby points at primary health care centers, hospitals, nursing homes, short-stay and Swadhar Homes for Women.

(c) keep the following documents in the case file of each child, namely:—

(i) case history and social investigation report of the child;

(ii) interim care order as well as the order declaring the child legally free for adoption by the Child Welfare Committee and the Deed of Surrender in case of a relinquished child;

(iii) Child Study Report, Medical Examination Report and immunisation record of the child;

(iv) photographs of the child taken at intervals of every six months;

(v) application form, documents and Home Study Report of the prospective adoptive parents;

(vi) adoption application, adoption order, birth certificate of the child and copy of passport of the child wherever required;

(vii) post-placement progress reports of the child.

(d) Every Specialised Adoption Agency shall maintain the following records namely:—

(i) master admission register;

(ii) medical and development file of the child;

(iii) case file of the child;

(iv) attendance register of the children and staff;

(v) register of adopted children with details of adoptive parents (date of registration, date of Home Study Report, date of referral of child or children, date of adoption order, date of handing over of the child to prospective adoptive parents, etc.;

(vi) vouchers, cashbook, ledger, journal and annual accounts;

(vii) grant and adoption fees receipt and utilisation register;

(viii) stock register;

(ix) record of minutes of meetings of the management committee and Adoption Committee (to be maintained separately).

31. Functions of Authorised Foreign Adoption Agency.— The Authorised Foreign Adoption Agency shall perform the following functions, namely:-

(a) register the prospective adoptive parents interested to adopt children from India and to complete their Home Study Report expeditiously;

(b) upload attested copies of the adoption application of the prospective adoptive parents on the Designated Portal and forward the original of the same to the allotted Specialised Adoption Agency;

(c) follow-up with Specialised Adoption Agency for ensuring early adoption after receipt of No Objection Certificate for the adoption from the Authority;

(d) give orientation to the prospective adoptive parents on culture, language and food of the place to which the adopted child belongs;

(e) ensure the submission of post-adoption follow-up of the progress of adopted children and to address the cases of disruption and dissolution, as specified in regulation 20;

(f) arrange get-togethers of children of Indian origin and their adoptive families from time to time with the involvement of the Indian diplomatic mission concerned;

(g) facilitate root search by older adoptees;

(h) fulfill the legal requirements of the host country as well as the terms and conditions of the authorisation given by the Authority.

32. Criteria and procedure for authorisation of foreign agencies.— (1)A foreign adoption agency desirous of seeking authorisation for sponsoring applications of foreign adoptive parents for adopting an Indian child shall make an application to the Authority along with the recommendation of the Central Authority or Government department concerned of that country, through the Indian diplomatic mission.

(2) The authorisation to foreign adoption agency may be given by the Central Authority for a maximum period of five years and the documents required to be attached with the application shall be as under:—

(a) memorandum or bye-laws, copies of registration status, latest license issued by the Government department concerned to undertake international adoptions, list of board or executive members, list of countries it is working with, accreditation certificate and its annual reports or financial statements for last two years;

(b) an undertaking signed by the head or chief executive of the organisation stating that the agency shall abide by the provisions of these regulations;

(c) an undertaking by the foreign adoption agency that in case of disruption or repatriation of the adopted children, it shall abide by the specific provisions laid down in these regulations;

(d) an undertaking by the foreign adoption agency to send an annual report to the Authority in the month of April every year on the status of children placed in adoption from India;

(e) copy of adoption law or Adoption Regulations or adoption rules of their country;

(f) a list of staff of the foreign adoption agency, recommendation or authorisation from the Central Authority or Competent Authority to work with India;

(g) recommendation letter from Indian diplomatic mission abroad and the Central Authority or Government department of the receiving country.

(3) The Authorised Foreign Adoption Agency is required to apply for renewal of its authorisation, ninety days prior to expiry of its authorisation, as per the procedure given at sub-regulations (1) and (2) alongwith the following details, namely:—

(a) list of children placed in adoption through the Authorised Foreign Adoption Agency alongwith their citizenship status;

(b) disruption, if any.

(4) In the case of authorisation or renewal, after taking into account the overall requirement of such organisations to handle inter-country adoptions from India, the Authority shall have sole discretion to consider or reject an application:

Provided that no application shall be rejected without specifying the reasons mentioned therein.

33. Suspension or revocation of authorisation.—(1)The grounds of suspension or revocation of the authorisation of an Authorised Foreign Adoption Agency shall be as follows:—

(a) if the foreign adoption agency violates or fails to abide by the provisions of these regulations;

(b) if the license or recognition or accreditation of the foreign adoption agency is suspended or revoked by the appropriate Authority of that country;

(c) if the foreign adoption agency fails to upload adoption applications or the post-adoption follow-up reports on the Designated Portal from time to time.

(2) No order for suspension or revocation shall be made unless the Agency has been provided an opportunity of hearing in the matter.

CHAPTER VI
FUNCTIONS OF GOVERNMENT ORGANISATIONS AND AUTHORITY

34. Roles of State Government.— (1) The State Government shall at regular intervals review the

adoption cases pending with the District Magistrate and guide and assist them for timely disposal of adoption cases.

(2) The State Government shall recognise Specialised Adoption Agencies and carry out such other functions as provided in the Act and rules.

(3) The State Government shall take appropriate action on the receipt of a complaint or *suo-moto,* in the cases of violation of the provisions under the section 32, sub-sections (1) and (5) of section 41, sub-section (4) of section 65, section 80 and section 81.

35. State Adoption Resource Agency.— (1) The structure of the State Adoption Resource Agency shall be as under:—

(a) The State Government shall set up a State Adoption Resource Agency for dealing with adoptions and related matters in the State under the guidance of the Authority, as per the provisions of section 67 of the Act.

(b) The State Government shall set up a Governing Body of the State Adoption Resource Agency which shall be chaired by Principal Secretary or Secretary of the department of the State Government dealing with adoption matters and the Director of the department shall function as its Chief Executive Officer and Member-Secretary.

(c) The State Adoption Resource Agency shall engage a nodal officer at the level of Deputy Director and such other staff as required under the Child Protection Scheme to strengthen its functioning who shall be assisting the Member Secretary in arranging Governing Body meetings and taking up such other tasks as assigned by the Chief Executive Officer.

(d) The Governing Body of the State Adoption Resource Agency shall be constituted with seven members as mentioned below:—

(i) Principal Secretary or Secretary of the department of the State Government dealing with adoption as Chairperson;

(ii) Director of the department who functions as Chief Executive Officer of the State Adoption Resource Agency shall be its Member Secretary;

(iii) Director of the department of Health or Hospital Administration of the State Government as Member;

(iv) Chairperson of a Child Welfare Committee as Member;

(v) Representative of a Specialised Adoption Agency as Member;

(vi) One member from the civil society involved in child welfare as Member;

(vii) One member from the State Legal Services Authority as Member.

(e) The authorities dealing with issuance of birth certificate, passport and other related matters may be invited as special invitees to attend the meetings of the State Adoption Resource Agency.

(f) The Governing Body of State Adoption Resource Agency shall hold meeting on quarterly basis to review its overall functions, review the progress of adoption work, address the operational as well as logistic issues and bottlenecks in the adoption process and take key decisions for rehabilitation of orphan and destitute children in the State.

(2) The State Adoption Resource Agency shall function as the executive arm of the State Government for promotion, facilitation, monitoring and regulation of the adoption programme in the State and its functions shall include to.—

(a) publish the contact details of Specialised Adoption Agency in the State at least once in a year;

(b) recommend renewal of recognition to Specialised Adoption Agency every five years subject to satisfactory performance;

(c) conduct meetings of Specialised Adoption Agencies on quarterly basis for addressing issues related to adoption and uploading the minutes of such meetings on the Designated Portal;

(d) inspect and monitor adoption programme and activities of all Specialised Adoption Agencies within its jurisdiction;

(e) identify Child Care Institutions which are not recognised as Specialised Adoption Agencies and link them to Specialised Adoption Agencies for enabling and facilitating adoption of

eligible children in such institutions, in pursuance of the provisions under section 66;

(f) enforce standards and measures for the adoption of orphan, abandoned and surrendered children, as envisaged under the Act and the rules made thereunder and these regulations;

(g) identify Specialised Adoption Agencies or Child Care Institutions which have the capacity to provide quality care and treatment on a long term basis to special needs children including children affected or infected by Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS) and mentally or physically challenged children, and facilitate transfer of such children to these agencies;

(h) expedite de-institutionalisation of children through adoption and other non-institutional care;

(i) take measures that are required for expansion of the adoption programme in the State, such as, strengthening the knowledge base, research and documentation, strengthening child tracking system, training and capacity building activities, publicity and awareness activities, advocacy and communication, monitoring and evaluation;

(j) validate the data furnished online on the Designated Portal by the Child Welfare Committees in the State, in pursuance of the provisions of sub section (5)of section 38;

(k) ensure furnishing of correct adoption related documents on the Designated Portal by the Specialised Adoption Agency, in the format and periodicity as specified in these regulations;

(l) maintain a State-specific database on the Designated Portal of adoptable children, prospective adoptive parents, children given in in-country and inter-country adoptions;

(m) ensure that all adoption placements in the State are done in accordance with the relevant provisions of the Act, rules made thereunder and these regulations;

(n) put a system at place so that adequate number of social workers and or counsellors are available with District Child Protection Unit for :—

(i) counselling and preparation of the Home Study Report of the prospective adoptive parents;

(ii) preparation of the Child Study Report and counselling of older children, wherever required;

(iii) preparing post-adoption follow-up report, wherever required;

(iv) post adoption counselling to adopted children and adoptive parents;

(v) assisting and counselling older adoptees in root search.

(o) carry out such other functions as assigned by the Authority from time to time including monitoring of progress reports in cases of in-country adoptions, getting family background report and family tree of the biological parents prepared through the District Child Protection Unit and issuing pre-approval letter in case of relative and step-parent adoptions, hiring qualified professionals for counselling and conducting Home Study Reports, addressing grievances of the prospective adoptive parents in a time bound manner and any other function assigned by the Authority;

(p) make additional efforts with the waiting parents within the state to arrange adoption of children in the category of special needs, older children and hard to place children;

(q) make rehabilitation efforts including foster care for such children with the help of State Child Protection Society and District Child Protection Unit within the timeframe provided in the rule 44;

(r) conduct mass awareness campaigns on the issue of safe surrender, sensitising the public, media, and stakeholders on legal adoption;

(s) update timely data on Specialised Adoption Agency in the Central Adoption Resource Authority website;

(t) forward report to the Authority in case of disruption or dissolution as the case maybe with specific suggestions.

36. Functions of the District Magistrate.—(1)All the cases pertaining to adoption matters pending before the court shall stand transferred to the District Magistrate from the date of notification of these regulations as provided in rule 45.

(2) In cases of fresh applications, it shall issue adoption order within a period of two months from the date of filing of the application, as provided under sub-section (2) of section 61 of the Act and as per format given in the **Schedule XXXIII**.

(3) The **District Magistrate shall have following executive functions namely:-**

(a) receive an application from the Specialised Adoption Agency or District Child Protection Office or relative family of a child or children for obtaining the adoption order;

(b) make necessary arrangements for hearing of the cases after due scrutiny of the documents by the concerned District Child Protection Unit;

(c) maintain confidentiality about adoption cases particularly those of the orphan, abandoned and surrendered children;

(d) issue an adoption order upon satisfying itself that ―

(i) in the proposed adoption due procedure has been followed as provided under the Adoption Regulations framed by the Authority and adoption is for the welfare of the child;

(ii) all documents which are required for adoptions as provided in the applicable Schedule of the Adoption Regulations have been verified by the District Child Protection Unit;

(iii) the consent of the child is available, if the child is above five years of age;

(iv) the Authority has issued No Objection Certificate in the cases of inter-country adoptions in the prescribed format;

(v) the minutes of the Adoption Committee is available in all cases of domestic adoptions;

(vi) neither the prospective adoptive parents have given or agreed to give nor the Specialised Adoption Agency or the parent or guardian of the child in case of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the Adoption Regulations framed by the Authority towards the adoption fees.

(e) instruct the District Child Protection Unit to upload adoption order on the Designated Portal and preserve the adoption records in safe custody;

(f) serve notice to any applicant in case of in-country adoption for physical appearance during any adoption proceedings, if necessary:

Provided that no physical presence of prospective adoptive parents is required in cases of inter-country adoptions and if deemed necessary, video conferencing with the prospective adoptive parents should suffice.

(g) dismiss or reject an application for adoption if it does not comply with the laid down provisions of Adoption Regulations giving specific reasons for such dismissal through a speaking order;

(h) review cases of disruption or dissolution by the District Child Protection Unit and if the prospective or adoptive parents are found to be the cause of disruption or dissolution, they may be barred from adopting in the future, and notify the same to the State Adoption Resource Agency and the Authority, as well as take appropriate legal action for any abuse or neglect caused by the adoptive parents.

(4) No information or adoption order issued by District Magistrate regarding adoption disclosing the identity of the child shall be uploaded on any portal exceptonthe Designated Portal as provided in the Adoption Regulations.

(5) In cases of adoptions completed other than this Act, the District Magistrate shall ensure that all such provisions are complied therein.

(6) In cases of siblings, the District Magistrate, as far as possible, shall ensure that they remain in the same campus or in the institution before they are placed in adoption.

(7) The District Magistrate shall appoint an officer at appropriate level incase there is no District Child Protection Officer present to head the Adoption Committee.

(8) In cases of children having health issues or suspected special needs conditions, the District Magistrate shall refer the child to the Chief Medical Officer of the District within twenty four hours as soon as information about such children is received from the Specialised Adoption Agency or the Child Care Institution with the help of the District Child Protection Unit concerned.

(9) The Chief Medical Officer shall then examine the health status of the child and assess whether the child is having any ailment or special needs within a period of fifteen days as given under **Schedule XVIII** of the Rights of Persons with Disabilities Act, 2016, (49 of 2016) and **Schedule III (Part-E)** of the Regulations.

(10) In cases of adoption dissolution, District Magistrate shall pass dissolution order filed by the Specialised Adoption Agency through District Child Protection Unit as per format provided in **Schedule XXXIV.**

37. Chief Medical Officer.— The Chief Medical Officer of the district shall facilitate the treatment of the children having special needs housed in Specialised Adoption Agency or Child Care Institution through the existing Central Government or State Government schemes and shall declare the health status of the child as normal or having special needs as provided in the **Schedule XVIII** and **Schedule III(Part-E)** within a period of fifteen days and also encourage treatment of such children under various schemes of the Government.

38. District Child Protection Unit.— In addition to the functions as envisaged in the Act and rules made thereunder, as well as under other Government notified schemes, the District Child Protection Unit shall.—

(1) identify orphan, abandoned and surrendered children in the district and get them declared legally free for adoption by Child Welfare Committee with the help of Specialised Adoption Agency or Child Care Institution, wherever required;

(2) ensure that the Child Study Report and Medical Examination Report are uploaded on the Designated Portal by the Specialised Adoption Agency within ten days from the date a child is declared legally free for adoption;

(3) facilitate the linkage of Child Care Institution with Specialised Adoption Agency in the same or other districts to facilitate adoption;

(4) track the progress of adoption of each child declared legally free for adoption and take necessary actions for expediting the case, wherever required;

(5) track the progress of application of each prospective adoptive parent registered on the Designated Portal for adopting a child or children from the district and take necessary actions for expediting the case wherever required;

(6) carry out such services through the empanelled social workers or counsellors as provided in regulation 35(2)(n)of the Adoption Regulations;

(7) supervise and monitor adoption programme in the district;

(8) ensure that data is being updated by Specialised Adoption Agency on the Designated Portal on time and in correct manner;

(9) assist State Adoption Resource Agency and the Authority in all matters related to adoption;

(10) assist the Child Welfare Committee in the restoration effort and in completing the process for declaring the abandoned children legally free for adoption, including publishing information of the child in the newspaper, obtaining the social investigation report from the probation officer and non-traceable report from police with the help of Specialised Adoption Agency, wherever required;

(11) upload the certificate of Child Welfare Committee declaring children legally free for adoption on the Designated Portal within forty-eight hours after verification of the fact that the certificate has been duly signed by three members of the committee including the chairperson and all appropriate columns have been filled up;

(12) report to the District Magistrate in all matters related to protection and rehabilitation of children within the district and update adoption related information on the Designated Portal;

(13) address the grievances of all prospective adoptive parents within forty eight hours through the Designated Portal;

(14) ensure that its professional staff namely, counsellor, social worker or protection officer while conducting home study verifies the prospective adoptive parent's required paperwork and the information they provided at the time of registration;

(15) complete the prospective adoptive parent's Home Study Report within two months of their registration and ensure that their Home Study Report is revalidated before the expiry of three-year period, and if the prospective adoptive parents are not found eligible or suitable to adopt, all such Home Study Reports shall be referred to the State Adoption Resource Agency concerned for decision, and there after the reports shall be uploaded onthe Designated Portal accordingly;

(16) scrutinise all documents in adoption case as provided in the **Schedule IX** within five days of receipt of the documents from the Specialised Adoption Agency before submitting the case to the District Magistrate for fixing the adoption hearing;

(17) support the Child Welfare Committee in declaring a child legally free for adoption as referred in sub-regulation 7 of regulation 6 and sub-regulation11 of regulation 7;

(18) arrange reports like Child Study Report, Medical Examination Report and the like of a child residing in a Child Care Institution which is linked with a Specialised Adoption Agency.

39. Child Welfare Committee.—The Child Welfare Committee shall take actions as provided in regulations 6 and 7 and as provided in rule 18 and 19 of the rules.

Explanation: Further for removal of doubt, it is hereby clarified that, in cases where a child is willingly surrendered by the biological mother, the child being born out of non-consensual sexual relations or where cases have been registered under the Protection of Children from Sexual Offences Act or Indian Penal Code, the Child Welfare Committee is obliged to issue an order clearing the child legally free for adoption within the stipulated period within which the Dioxyribo Nucleic Acid (DNA) sample collection should be completed to avoid undue harassment to the families who adopt the children in such cases.

40. Birth certificate issuing Authority.—The local Registrar notified under the Registration of Births and Deaths Act, 1969 (18 of 1969) shall issue birth certificate within five days in favour of an adopted child on an application filed by the Specialised Adoption Agency or adoptive parents, incorporating the names of the adoptive parents as parents and the date of birth of the child as mentioned in the adoption order issued by the District Magistrate, in accordance with circulars issued from time to time by the Registrar General of India:

Provided that no physical presence of the adoptive parents shall be required for issue of such certificate.

41. Central Adoption Resource Authority.—The Authority shall:—

(1) promote in-country adoptions, facilitate inter-state adoptions in co-ordination with State Adoption Resource Agency and regulate inter-country adoptions;

(2) receive applications of an non-resident Indian or Overseas Citizen of India Cardholder or a foreigner living abroad through Authorised Foreign Adoption Agency or Central Authority or the Government department or the Indian diplomatic mission concerned and process the same under sub-section (5) of section 59;

(3) receive and process applications from a foreigner or an Overseas Citizen of India Cardholder residing in India for one year or more, and who is interested in adopting a child from India in terms of sub-section (12) of section 59;

(4) intimate the immigration authorities of India and the receiving country of the child about the inter-country adoption cases;

(5) provide support and guidance to State Adoption Resource Agencies, District Magistrates, District Child Protection Units, Specialised Adoption Agencies and other stakeholders on adoption related matters through trainings, workshops, exposure visits, consultations, conferences, seminars and other capacity building programmes;

(6) coordinate with State Governments or the State Adoption Resource Agencies, and District Magistrates and advise them in adoption related matters;

(7) establish uniform standards and indicators, relating to:—

(a) adoption procedure related to orphan, abandoned and surrendered children and also related to relative adoptions;

(b) monitoring and supervision of service providers;

(c) standardisation of documents in cases of adoptions;

(d) safeguards and ethical practices including online applications for facilitating hassle-free adoptions and;

(e) procedures for adoption where adoption is done under the act other than the Juvenile Justice Act,2015 (2 of 2016).

(8) conduct research, documentation and publication on adoption and related matters;

(9) maintain a comprehensive centralised database relating to children and prospective adoptive parents for the purpose of adoption on the Designated Portal;

(10) maintain a confidential centralised database relating to children placed in adoption and adoptive parents on the Designated Portal;

(11) carry out advocacy, awareness and information, education and communication activities for promoting adoption and other non-institutional child care services either by itself or through its associated bodies;

(12) enter into bilateral agreements with foreign Central Authorities as provided under the Hague Adoption Convention, wherever necessary;

(13) authorise foreign adoption agencies to sponsor applications of non-resident Indian or Overseas Citizen of India Cardholder or foreign prospective adoptive parents for inter-country adoption of Indian children;

(14) issue a system-generated No Objection Certificate in the case of inter-country adoptions;

(15) issue Conformity Certificate under Article 23 of the Hague Adoption Convention in respect of inter-country adoption;

(16) consider easing the age requirements for prospective adoptive parents adopting special needs children or children who fall into the hard-to-place category;

(17) issue a system-generated support letter to regional passport office as provided in the **Schedule XVII** on receiving necessary undertaking from the adoptive parents in the following situations, namely:—

(a) when resident Indian adoptive parents habitually residing in India have completed adoption procedure as per the Act and they intend to move abroad subject to undertaking for completion of the balance of the post-adoption follow-ups through the Authorised Foreign Adoption Agency or the Central Authority or the Government department or the Indian Mission concerned and in this regard, the adoptive parents have to pay the professional fees as stipulated by the receiving country.

(b) any special circumstance that requires issue of a support letter with approval of Competent Authority.

(18) issue No Objection Certificate in cases of adoptions done under Chapter VIII (Inter-country adoptions under Hindu Adoptions and Maintenance Act, 1956) of these regulations in cases of Hague Adoption Convention ratified countries on completion of required procedure and issue support letter in cases of countries outside the Hague Convention, on receiving letter of acceptance of the said adoption from the concerned Government department of the receiving country;

(19) carry out such activities in order to promote non-institutional care for children who have been unable to find a family through adoption.

42. Regional Passport Officer.— (1) The regional passport office shall issue passport for the adopted child within ten days from the date of completion of all formalities including submission of requisite documents, as well as capture of photo, biometrics etc., in accordance with the circulars issued by the Ministry of External Affairs of the Central Government from time to time;

(2) The regional passport officer may issue a passport based on the Authority's No Objection Certificate, the adoption order issued by the District Magistrate mentioning the date of birth of the child, and the Conformity Certificate (in the case of Hague Adoption Convention ratified countries);

(3) The presence of both adoptive parents shall be desirable at the time of submission of passport application and requisite documents. However, if only one adoptive parent could be present, '**Annexure 'D'** of passport manual duly filled and signed be presented at the time of submission of documentation;

(4) Passport application of adopted children shall be given due priority upon request for grant of appointment slot by the regional passport officer;

(5) The regional passport officer shall waive prior appointment in such cases where the Specialised Adoption Agency arrives at regional passport office with passport application and shall promptly allocate slots to them at Passport Seva Kendras or Post Office Passport Seva Kendras for biometric data capture or photo capture or verification etc.;

(6) All documents forming the passport application may be self-attested by the adoptive parents;

(7) In all in-country adoptions completed under the Act where two years of legal residence with the child have not yet been completed, the regional passport officer shall issue passport to the child on the basis of support letter from the Authority;

(8) The regional passport officer shall not require a support letter from the Authority if the adoptive parents have already completed two years of legal residence with the child after the adoption order was issued.

43. Role of Indian diplomatic missions in inter-country adoption.— Indian diplomatic missions abroad shall have the following role in inter-country adoption of Indian children, namely:—

(1) liaise, coordinate and facilitate in the matter of inter-country adoption of Non- resident Indian and Overseas Citizen of India Cardholders with the help of the Authorised Foreign Adoption Agencies, Central Authorities, concerned foreign Government departments and social workers authorised by them wherever required;

(2) recommend proposals seeking for authorisation of foreign adoption agencies and social workers in consultation with Central Authority or Government department concerned for the purpose of sponsoring applications for adoption of Indian children;

(3) issue visa on the basis of supporting documents to foreign prospective adoptive parents who wish to see a child in person at a Specialised Adoption Agency in India, before accepting them for adoption, after their adoption application is approved by the Authority and also for taking custody of the child after issue of adoption order;

(4) empanel and authorise social workers in Non-Hague countries to complete adoption application formalities including Home Study Report, where there is no Authorised Foreign Adoption Agency or a Government department to deal with adoption;

(5) liaise with the authorised social workers of the Non-Hague countries to send progress report of the child on quarterly basis in the first year and on six monthly basis in the second year, from the date of arrival of the child in the receiving country and in case of disruption of adoption, shall take actions as provided under regulation 20;

(6) liaise with the authorised social workers of the Non-Hague countries to complete remaining progress reports of the adoptive parents relocating abroad;

(7) render necessary help and facilitate the repatriation of the child in case required, in consultation with the local authorities, adoption agency concerned and the Authority.

CHAPTER VII
MISCELLANEOUS PROVISIONS

44. Seniority of the prospective adoptive parents.—(1) The resident Indian or non-resident Indian or Overseas Citizen of India Cardholder prospective adoptive parents based on states specific and cluster specific choice shall be referred children on the basis of seniority which shall be from the date of registration and other criteria as stipulated under these regulations while the foreign prospective adoptive parents shall be provided referrals on the basis of 'anywhere in India'.

(2) In case prospective adoptive parents residing in India are not willing to take the referred child for any reason, the child shall be automatically referred to the next waiting prospective adoptive parents in the waiting list after expiry of forty eight hours of the reservation period.

(3) In case prospective adoptive parents residing abroad are not willing to take the referred child for any reason, the child shall be automatically referred to the next waiting prospective adoptive parents in the waiting list after expiry of ninety six hours of the reservation period.

(4) The seniority of resident Indians shall be based on the date of online registration and submission of the documents, except for Home Study Report, on the Designated Portal.

(5) The seniority of non-resident Indian or Overseas Citizen of India Card holder or foreign prospective adoptive parents residing abroad shall be based on the date of online registration and submission of the requisite documents alongwith Home Study Report on the Designated Portal.

(6) Seniority of prospective adoptive parents who registered as single but later got married shall be counted from the date of registration subject to two years of stable marital relationship and receipt of a fresh Home Study Report.

(7) Seniority of prospective adoptive parents who registered as couple but later got divorced, widowed or remarried shall be counted from the date of registration subject to receipt of a new Home Study Report and two years of stable marital relationship in case of remarriage.

(8) Prospective adoptive parents registered for normal child, shall be able to adopt a special needs child or hard to place child with the same registration.

45. Adoption by Indian parents residing in countries which are not signatory to Hague Adoption Convention.—(1)In a situation where one of the Indian parents is residing in India and the spouse is working in a country which is not signatory to the Hague Adoption Convention on temporary work permit, the parents have to decide the place where they have to conduct their home study and for such purpose, they have to be together, either within the country or abroad.

(2) In case the non-resident Indian and the Overseas Citizen of India Cardholder prospective adoptive parents desire to initiate the process in a country which is not a signatory to the Hague Adoption Convention, the Indian Mission shall arrange to conduct the home study of such parents and facilitate adoption process including uploading of Home Study Report and post-adoption follow-up report on the Designated Portal through the authorised social workers.

(3) For adoption by prospective adoptive parents residing in a country which is not signatory to the Hague Convention, the prospective adoptive parents have to provide documents as specified in the **Schedule VI**.

46. Adherence to time line.— All agencies and authorities involved in the adoption process shall adhere to the timeline as specified in the **Schedule XIV**.

47. Root search.— (1)If the biological parents, at the time of surrender of the child, have specifically requested anonymity, then the consent in writing of the biological parents shall be taken by the Specialised Adoption Agency or the District Child Protection Unit, as the case may be, before divulging information.

(2) In cases of root search by older adoptees, the agencies or authorities concerned that is Authorised Foreign Adoption Agency, Central Authority, Indian diplomatic mission, Authority, State Adoption Resource Agency or District Child Protection Unit or Specialised Adoption Agency, whenever contacted by any adoptee, shall facilitate their root search.

(3) Persons above eighteen years can apply independently online while children below eighteen years shall apply jointly with their adoptive parents to the Authority seeking facilitation of root search.

(4) In case of denial by the biological parents or non-traceability of the parents in surrendered cases, the reasons and the circumstances under which the information is not being made available shall be disclosed to the adoptee.

(5) A root search by a third party shall not be permitted and the agencies or authorities concerned shall not make any information public relating to biological parents, adoptive parents or adopted child.

(6) The right of an adopted child shall not infringe the right to privacy of the biological parents.

48. Confidentiality of adoption records.—All agencies or authorities involved in the adoption process shall ensure that confidentiality of adoption records is maintained, except as permitted under any other law for the time being in force and for such purpose, the adoption order may not be displayed on any public portal.

49. Adoption fees.—(1)The prospective adoptive parents shall bear the expenses for adoption and the Specialised Adoption Agencies shall adhere to the adoption fees and their utilisation pattern as provided in the **Schedule XV** which shall be revised by the Authority from time to time.

(2) The Specialised Adoption Agency or the linked Child Care Institution may receive adoption fee from the prospective adoptive parents and utilise the funds in accordance with norms prescribed by the Authority from time to time.

(3) The Specialised Adoption Agency is not permitted to accept any donation in cash or kind, directly or indirectly, from the prospective adoptive parents for adoption of a child.

50. Updating adoption data by Specialised Adoption Agency.— Specialised Adoption Agency shall update data on the Designated Portal as per stipulated timeline provided in the **Schedule XIV.**

51. Adoption of children with special needs.—(1)The adoption process for children with special needs shall be completed as expeditiously as possible by the agencies or authorities concerned, who shall be available for adoption by resident Indians, non-resident Indians and Overseas Citizen of India

Cardholder found eligible and suitable by way of Home Study Report from the date their profile is uploaded on the Designated Portal after the special needs children are declared legally free for adoption by the Child Welfare Committee:

Provided that such children with special needs shall be available for adoption by foreign adoptive parents, after fifteen days from the date they are declared legally free for adoption.

(2) All prospective adoptive parents shall be able to indicate whether they want to adopt a specific category of child having special needs.

(3) Special care shall be taken while processing the cases for adoption of children with special needs, so that the prospective adoptive parents are aware of exact medical condition of the child and are ready to provide extra care and attention that the child needs.

(4) The types of children with special needs are provided in the **Schedule XVIII** and **Schedule III (PartE)** of these Regulations,which are illustrative and not exhaustive; the same may also be accessed from www.cara.nic.in, and the decision of the Authority shall be final in this regard.

(5) The children with special needs who were not adopted shall be provided due care and protection by the Specialised Adoption Agency and if they do not have necessary facilities and the means for their long term care, such children shall be shifted to any other specialised institutions run by any Government or non-government organisation.

(6) **Treatment of children with special needs.—**

(a) Within one month of a child's admission to a Specialised Adoption Agency, the institution shall arrange medical tests, as specified in **Schedule IV**, and prepare the Medical Examination Report through its pediatrician or doctor for uploading on the Designated Portal within ten days of the date such children are declared legally free for adoption by the Child Welfare Committee.

(b) Where the Medical Examination Report finds that the child is suffering from some health issue or ailment, the Specialised Adoption Agency shall inform the District Child Protection Unit concerned to approach the District Magistrate to recommend the case to the Chief Medical Officer of the district within twenty-four hours.

(c) The Chief Medical Officer shall then facilitate additional tests and medical examination of the said child before categorising the child with special needs as provided in **Schedule III (Part E).**

(d) In case the health ailment is treatable, the Chief Medical Officer shall facilitate and supervise the treatment of such child having special needs under various Government schemes.

(e) The Chief Medical Officer shall ensure that the treatment of such a child is completed at the earliest.

(f) After completion of the treatment of the child, the Specialised Adoption Agency shall update the health status of the child accordingly on the Designated Portal.

52. Adoption of older children and siblings.—(1)Since it takes time for an older child to adjust with unrelated parents, it is important that the child and the prospective adoptive parents are made familiar to each other, before leaving the institution.

(2) Under the guidance of Specialised Adoption Agency or Authorised Foreign Adoption Agency, the prospective adoptive parents may have interactions with older children through video calls or by any other means, even before taking custody and the prospective adoptive parents may be encouraged to spend some quality time with the child before leaving the institution.

(3) The siblings and older children shall be deemed to be available for adoption by resident Indians, non-resident Indians and Overseas Citizens of India Cardholder prospective adoptive parents from the date their profile is uploaded on the Designated Portal after they are declared legally free for adoption by the Child Welfare Committee and they shall be available for adoption by other categories of prospective adoptive parents after thirty days.

53. Other options for rehabilitation of children.—(1)The Authority with the approval of its Steering Committee, may make additional efforts for adoption of hard to place children, through foster care on the Designated Portal.

(2) The children who are not being adopted after being declared legally free for adoption may be eligible for foster care by suitable foster parents under rule 44 of the rules and the **Schedule XVI** of the Regulations.

(3) The hard to place children shall be eligible for foster care and list of such children along with other categories of children as stipulated in rule 44 of the rules shall be accessible to District Child Protection Unit and the State Adoption Resource Agency through the Designated Portal.

(4) The Authority shall provide links between the Specialised Adoption Agency and the Child Care Institution for the purpose of adoption of children who are in foster care in the manner it has established links for the purpose of adoption.

(5) The foster families willing to adopt such children shall register themselves on the said Designated Portal.

(6) The prospective foster parents shall be physically, mentally, emotionally and financially capable and shall not have any life threatening medical condition and they should not have been convicted in any criminal act or accused in any case of child rights violation.

54. In-country relative adoptions.—(1)The prospective adoptive parents shall register on the Designated Portal with the required documents as specified in the **Schedule VI.**

(2) Consent of biological parents or permission of the Child Welfare Committee, as the case may be, shall be required as provided in the **Schedule XIX or Schedule XXII** respectively.

(3) The consent of the child shall be obtained, if they are five years of age or above.

(4) Affidavit of adoptive parents is required in cases of in-country relative adoptions in support of their financial and social status as specified in the **Schedule XXIV**.

(5) The prospective adoptive parents shall receive due verification by the District Child Protection Unit.

(6) The State Adoption Resource Agency shall further refer the case to the Authority for necessary approval following which pre-approval certificate shall be issued by the State Adoption Resource Agency as provided in the **Schedule XXV.**

(7) If the prospective adoptive parents have a foreign passport, the case shall be referred to the Authority for expert advice.

(8) After scrutiny of the application, the District Child Protection Unit shall file the application as provided in the **Schedule XXX** before the District Magistrate of the district where the child is habitually residing.

(9) The District Chid Protection Unit shall obtain a certified copy of the adoption order from the District Magistrate concerned and furnish a copy of the same online to the Authority and the adoptive parents through the Designated Portal.

55. Adoption by step-parent.—(1)The couple (step-parent and one of the biological parents) shall register on the Designated Portal with the required documents as specified in the **Schedule VI**.

(2) Consent of the biological parents and the step-parent adopting the child or children shall be as provided in the **Schedule XX**.

(3) In case the custody of the child is under litigation, the adoption process shall be initiated only after the finalisation of the case by the court concerned.

(4) The step-parent or the couple shall receive due verification by the District Child Protection Unit.

(5) The State Adoption Resource Agency shall further refer the case to the Authority for necessary approval following which pre-approval certificate shall be issued by the State Adoption Resource Agency as provided in the **Schedule XXV**.

(6) If the prospective adoptive parents have a foreign passport, the case shall be referred to the Authority for expert advice.

(7) The biological parent and the step-parent shall file an application with the District Magistrate of the district through the District Child Protection Unit where the child is habitually residing, as per format provided in the **Schedule XXXII**, after due verification from the District Child Protection Unit and approval by State Adoption Resource Agency.

(8) The District Chid Protection Unit shall obtain a certified copy of the adoption order from the District Magistrate concerned and furnish a copy of the same online to the Authority and the adoptive parents through the Designated Portal.

(9) In case of inter-country adoption by step parent, the process has to be followed as outlined in Inter-country relative adoption and requisite consent form has to be signed before the Child Welfare Committee as provided in the **Schedule XX** and further Family Background Report has to be completed as provided in the **Schedule XXI.**

56. Inter-country relative adoptions.—(1)A non-resident Indian or an Overseas Citizen of India Card holder, interested to adopt a relative's child, may approach an Authorised Foreign Adoption Agency

or the Central Authority in the country of residence for preparation of their Home Study Report and for online registration on the Designated Portal.

(2) In case there is no Authorised Foreign Adoption Agency or Central Authority in their country of residence, then the prospective adoptive parents interested to adopt a relative's child shall approach the Government department concerned or Indian diplomatic mission (in cases of Indian citizens and Overseas Citizen of India Cardholder) in that country.

(3) The Authorised Foreign Adoption Agency or Central Authority or the department concerned or the Indian diplomatic mission (in cases of Indian citizens), as the case may be, on completion of the Home Study Report, shall register the application of the prospective adoptive parents on the Designated Portal along with the required documents as mentioned in the **Schedule VI.**

(4) Procedure laid down in succeeding regulations 57, 58, 59 and 60 shall be followed in the cases related to inter-country relative adoptions.

57. Procedure for inter-country relative adoption from Authority.—(1)On receipt of Home Study Report along with relevant documents of prospective adoptive parents on the Designated Portal by Authorised Foreign Adoption Agency or Central Authority or Government department concerned or Indian Mission abroad, the Authority shall forward the same to State Adoption Resource Agency or District Child Protection Unit for obtaining family background report of the child proposed for adoption along with supportive documents, as provided in the **Schedule XXI**.

(2) The District Child Protection Unit shall get the family background report conducted by its social worker and for this purpose, it can charge a fee as stipulated in the norms prescribed by the Authority from time to time.

(3) District Child Protection Unit shall forward a copy of the family background report of the child and the biological family to the Authority through State Adoption Resource Agency concerned for onward submission to Authorised Foreign Adoption Agency or Central Authority or Indian Mission abroad.

(4) On receiving family background report of the relative's child, the Authority shall forward the same to the receiving country as required under Article 4 and 16 of the Hague Adoption Convention.

(5) The Authorised Foreign Adoption Agency or Central Authority or Government department concerned, on receiving requisite documents as stipulated in sub regulation (3), shall arrange to forward a certificate under Article 5 or Article 17 of the Hague Adoption Convention to the Authority.

(6) In case of countries which are not signatories to Hague Adoption Convention, in respect of Indian citizens, family background report of the relative's child and prior approval letter from the Authority shall be forwarded to the Government department concerned or Indian Mission of that country which shall issue a recommendation letter to the Authority.

(7) Incase of Overseas Citizen of India Cardholder prospective adoptive parents residing in India, such parents can register directly on the Designated Portal and upload initial requisite documents.

58. No Objection Certificate of Authority.—In case of all inter-country adoptions, the Authority shall issue No Objection Certificate in favour of the adoption of the child within ten days from the date of receipt of certificate issued under Article 5 or 17 of the Hague Adoption Convention from receiving country and a copy of the same shall be forwarded to the Authorised Foreign Adoption Agency or Central Authority concerned.

59. Adoption Order for relative and step-parent adoption.— (1) The prospective adoptive parents, who intend to adopt the child of a relative as defined in clause (52) of section 2, shall file an application with the District Magistrate under sub-section (2)of section 56 or sub section (1) of section 60 of the Act in case of in-country relative adoption or inter-country relative adoption, respectively.

(2) The prospective adoptive parents shall file an application with the District Magistrate through the office of District Child Protection Unit.

(3) The prospective adoptive parents in case of in country relative adoption shall file the adoption application with the District Magistrate concerned as provided **Schedule XXX**, where the child habitually resides with biological parents or guardians along with all requisite documents as provided in the **Schedule VI and Schedule IX.**

(4) The prospective adoptive parents, in case of inter-country relative adoption, shall file the adoption application with the District Magistrate concerned as provided in **Schedule XXXI**, where the child habitually resides with biological parents or guardians along with all requisite documents as provided in the **Schedule VI and Schedule IX** and along with No Objection Certificate from Authority**.**

(5) The step-parent and the biological parent, who intend to adopt the child or children of the spouse, shall file the adoption application with the District Magistrate as provided in **Schedule XXXII**, where the child habitually resides, along with requisite documents as provided in the **Schedule VI and Schedule IX**.

(6) Before issuing an adoption order, the District Magistrate shall satisfy itself of the various conditions stipulated under section 61 of the Act, and regulations 54 to 57, as the case may be.

(7) The prospective adoptive parents shall obtain a certified copy of the adoption order from the District Magistrate and furnish a copy of the same to the District Child Protection Unit for online submission to the Authority.

60. Issue of Conformity Certificate.—The Authority shall issue a Conformity Certificate under Article 23 of the Hague Adoption Convention in the format provided in the **Schedule XI** within three days from the date of availability of the adoption order on the Designated Portal, in case the receiving country of the adopted child is a Hague Adoption Convention signatory.

61. Child Care Institution and its linkage with Specialised Adoption Agency.—(1)All Child Care Institutions registered under this Act, which may not have been recognised as Specialised Adoption Agencies, shall ensure that all orphan or abandoned or surrendered children under their care and protection are reported, produced and declared legally free for adoption, by the Child Welfare Committee as per the provisions of section 32, sub-section (2) of section 38 and sub section (1) of section 66 of the Act and the procedure laid down in these regulations.

(2) Such report shall include the name, gender, date of birth or age, photograph and health condition of the child, language spoken by the child (if any), address or source (wherever known) and the manner and circumstances in which the child was brought and admitted to the institution.

(3) The District Child Protection Unit concerned shall render all necessary assistance to the Child Care Institution concerned in getting an orphan, abandoned or surrendered child declared legally free for adoption by Child Welfare Committee as per the procedure and time frame stipulated under the provisions of the Act, rules framed thereunder and these regulations.

(4) The District Child Protection Unit shall be responsible for linking the Child Care Institution where adoptable children have been identified with Specialised Adoption Agency.

(5) If the Child Care Institution is located in the same district.—

(a) The Specialised Adoption Agency shall complete the documentation and formalities required for the adoption of an orphan, abandoned or surrendered child including preparation of Child Study Report and Medical Examination Report of the child as provided in the **Schedule II** and **Schedule III** respectively;

(b) The Specialised Adoption Agency shall upload the profile of the child on the Designated Portal, which includes photograph, Child Study Report, Medical Examination Report of the child and certificate from Child Welfare Committee declaring the child legally free for adoption.

(6) In case the Child Care Institution and the Specialised Adoption Agency are not located in the same district.—

(a) The District Child Protection Unit shall conduct Child Study Report through a social worker and Medical Examination Report of the child as provided in the **Schedule II** and **Schedule III** respectively;

(b) the District Child Protection Unit shall upload the profile of the child on the Designated Portal, which includes photograph, Child Study Report, Medical Examination Report of the child and certificate from Child Welfare Committee declaring the child legally free for adoption;

(c) once documents of children are uploaded on the Designated Portal, the linked Specialised Adoption Agency shall access information of such children for facilitating their adoption as per the provisions of these regulations.

(7) In case there is more than one Specialised Adoption Agency in the district for linking the Child Care Institution, the distance between the two, the needs of the child and the capacity of the Specialised Adoption Agency shall be taken into consideration.

(8) The Adoption Committee shall include.—

(a) adoption in-charge or social worker of the Specialised Adoption Agency;

(b) paediatrician or visiting doctor of the Child Care Institution;

(c) official from the District Child Protection Unit of the district where Child Care Institution is located;

(d) representative of the Child Care Institution in case its child is linked with the Specialised Adoption Agency .

(9) In all such adoption cases, adoption application shall be filed with the District Magistrate by the Specialised Adoption Agency, through the District Child Protection Unit making the Child Care Institution as a co-applicant.

(10) In case the child is from a Child Care Institution which is located in another district, the Specialised Adoption Agency shall file the adoption application with the District Magistrate of the district where the child is located through the District Child Protection Unit.

(11) The adoption fee shall be shared between Specialised Adoption Agency and Child Care Institution in the ratio as may be prescribed by the Authority.

(12) The District Child Protection Unit shall obtain a certified copy of the adoption order from the office of the District Magistrate and furnish a copy of the same to the prospective adoptive parents, Child Care Institution, Specialised Adoption Agency and upload it on the Designated Portal.

62. Appeal to State Adoption Resource Agency and Central Adoption Resource Authority.—(1)In case of in-country adoption, any prospective adoptive parents or child or any person on their behalf, aggrieved due to non-selection for adoption because of the opinion of Specialised Adoption Agency or issues related to eligibility of the prospective adoptive parents or of the child to be adopted or regarding the documentation relating to the prospective adoptive parents or the child, such as, Home Study Report or health status of the prospective adoptive parents, the Child Study Report and Medical Examination Report or any technical issue related to the Designated Portal may approach the State Adoption Resource Agency.

(2) The application referred to in sub-regulation (1) shall be made by the aggrieved party within seven days from the date of opinion or decision.

(3) The State Adoption Resource Agency shall take decision on the application within fifteen days from the date of receipt of the application.

(4) The aggrieved if unable to get suitable response within the stipulated period of fifteen days, shall write to Central Adoption Resource Authority for redressal of their grievance within forty-eight hours of receiving the said response which shall be addressed by the Authority within fifteen days from the date of receipt of the application.

(5) In cases of inter-country adoption matters, appeal shall be forwarded to the Authority within the stipulated time referred to in sub-regulation (2) and the Authority shall take decision on the application within fifteen days from the date of receipt of the application.

63. Power to relax and interpretation.—(1)The power of relaxation and grant exception to any provision of these regulations in respect of a case or class of cases shall be vested with the Relaxation Committee of the Authority.

(2) Relaxation Committee of the Authority shall be chaired by the chairperson of Steering Committee of the Authority and two members consisting of its Chief Executive Officer and a member of Steering Committee having experience in law as members.

(3) No decision of the Relaxation Committee of the Authority shall ordinarily have the effect of altering the seniority of any prospective adoptive parents unless reasons are recorded in writing and the primary consideration being the best interests of the child.

(4) In case of any ambiguity in interpretation of any of the provisions of these regulations, the decision of the Authority shall prevail.

CHAPTER VIII

PROCEDURE FOR CHILDREN ADOPTED UNDER THE HINDU ADOPTION AND MAINTENANCE ACT, 1956, BY PARENTS WHO DESIRE TO RELOCATE THE CHILD ABROAD

64. This Chapter shall apply to—

(a) all adoption cases under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956) by prospective adoptive parents or adoptive parents residing outside the country and

(b) all adoption cases pertaining to countries outside the Hague Adoption Convention.

65. The Central Adoption Resource Authority shall register applications for inter-country adoptions to be processed under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956).

66. The following procedure referred to in regulations 67, 68, 69, 70 and 71 is set forth as an adoption procedure for non-resident Indians or Overseas Citizen of India Card holder prospective adoptive parents who live outside the country and meet the requirements to adopt a child from India under the Hindu Adoption and Maintenance Act, 1956(78 of 1956).

67. Procedure in the case of registered adoption deed.— (1) In the cases where the adoption deed has already been executed in pursuance of adoption under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956), before the commencement of the Adoption (Amendment) Regulations, 2021, the requisite documents supporting the facts of the adoption deed shall be duly verified and recommended by the District Magistrate in the format as provided in **Schedule XXXV.**

(2) On receipt of the verification of documents as per **Schedule XXXV**, the Central Adoption Resource Authority shall comply with the provisions of Articles 5 or 17 from the receiving country as provided in the Hague Adoption Convention.

(3) Upon receiving such certificate, the Central Adoption Resource Authority shall issue no objection certificate for Hague ratified countries and in cases of countries outside the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, the Central Adoption Resource Authority shall issue a support letter upon receiving a letter accepting the said adoption from the Government department.

68. Procedure for inter-country Adoption.—

(1) In the cases initiated after 17th September, 2021, the following standard common procedure shall be applicable for all inter-country adoptions concluded under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956), **by eligible non-resident Indians or Overseas Citizen of India Cardholders**, who are to take a child in adoption from India.

(2) Any Hindu prospective adoptive parents habitually residing abroad and who wish to adopt an Indian Hindu child born to Indian Hindu Parents, residing in India, may contact an Authorised Foreign Adoption Agency or the Central Authority in case of Hague ratified countries and the Government department concerned in case of Non-Hague countries in their country of habitual residence, as the case may be.

(3) The Authorised Foreign Adoption Agency or the Central Authority or the Government department concerned in their country of habitual residence shall sponsor the application of eligible and suitable prospective adoptive parents to the Central Adoption Resource Authority.

(4) The Central Adoption Resource Authority shall share the sponsoring letter and other requisite information about the parents received from the Authorised Foreign Adoption Agency or the Central Authority or the Government department of the receiving country, as the case may be, with the District Child Protection Unit and the District Magistrate of the district where the child is habitually residing.

(5) The District Magistrate shall get a family background report prepared which shall include all required documents related to the biological parents and the child proposed to be adopted and the report shall be conducted through the District Child Protection Officer as provided in **Schedule XXI and Schedule XXXVI**.

(6) Upon receipt of the family background report, the Central Adoption Resource Authority shall

forward it to the concerned Authorised Foreign Adoption Agency, or Central Authority, in their country of habitual residence for issuing necessary permission under Article 5 or17 (Hague Adoption Convention ratified countries).

69. Adoption process.—

(1) The parties to an adoption concluded under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956) shall jointly present the deed of adoption to the Sub-Registrar's office in the district with copy to District Magistrate.

(2) Based on such copy of the deed, the District Magistrate shall conduct such inquiry, as he may deem fit, to satisfy that all the provisions of Hindu Adoptions and Maintenance Act, 1956 (78 of 1956), and the stipulations under the regulations have been followed and such inquiry shall be completed within a period of thirty days.

(3) In case the District Magistrate fails to complete the inquiry within thirty days, he shall be bound to give reasons along with verification certificate for failing to provide the inquiry report within thirty days and the parties may register the adoption deed with the Sub-Registrar concerned under the Registration Act, 1908 (16 of 1908), indicating the details of application made and that inquiry from District Magistrate has not been received within the stipulated time referred to in sub-regulation (2).

(4) The District Magistrate shall thereafter forward the verification certificate in the format in **Schedule XXXV** along with the checklist provided in Schedule **XXXVI** to the Central Adoption Resource Authority certifying the following that-

(a) the adoption recorded in the deed of adoption has been made in accordance with the provisions of the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956), including the sourcing of the child, the eligibility and suitability of the adoptive parents;

(b) the adopted child or the biological parents are not under any duress while giving the child in adoption;

(c) the adoption has been concluded with mutual consent of all parties concerned;

(d) there has been no monetary consideration involved in the adoption process and the adoption is in the best interest of the child.

70. Issue of No Objection Certificate and Conformity Certificate.—

(1) On receipt of verification certificate from the District Magistrate, on the registered adoption deed and necessary permission under Articles 5 or 17 from the receiving country as provided in the Hague Adoption Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, the Central Adoption Resource Authority shall issue No Objection Certificate for Hague ratified countries under Article 17(c) and Conformity Certificate under Article 23 of the Convention.

(2) In the case of countries outside the Hague Adoption Convention, a support letter shall be issued by the Central Adoption Resource Authority.

71. Post-adoption follow-up.—In cases of disruption or dissolution, the rehabilitation of the child shall be followed as provided in the Hague Adoption Convention and as per child protection services available in the receiving country.

SCHEDULES

S.No.	**Schedule No.**	**Subject**
1.	Schedule I	Certificate declaring the child legally free for adoption
2.	Schedule II	Child Study Report
3.	Schedule III	Medical Examination Report and classification of special needs of the child
4.	Schedule IV	Medical test for children admitted into institutions and red flags of developmental milestones

5.	Schedule V	Deed of surrender
6.	Schedule VI	Online registration form and list of documents to be uploaded
7.	Schedule VII	Home study report of resident Indian or Overseas Citizen of India Cardholder or Foreign prospective adoptive parents living in India
8.	Schedule VIII	Pre-adoption foster care undertaking (in the form of an affidavit)
9.	Schedule IX	List of documents (Attested or Notarised) to be filed in the office of District Magistrate
10.	Schedule X	No Objection Certificate
11.	Schedule XI	Conformity Certificate
12.	Schedule XII	Post adoption follow-up report of the child
13.	Schedule XIII	Standards of child care in Specialised Adoption Agencies
14.	Schedule XIV	Timeline for Authorities and Agencies concerned
15.	Schedule XV	Adoption fees and their utilisation by Specialised Adoption Agencies or Child Care Institutions
16.	Schedule XVI	Foster Care Adoption
17.	Schedule XVII	Support Letter for Regional Passport Officer in case of in-country adoption
18.	Schedule XVIII	Classification of special needs children for the purpose of adoption
19.	Schedule XIX	Consent for the purpose of relative adoption
20.	Schedule XX	Consent of biological parents along with step-parent to obtain the permission of Child Welfare Committee for adoption of child or children by biological parent and the step-parent
21.	Schedule XXI	Family background report of the child and the biological parents
22.	Schedule XXII	Permission by Child Welfare Committee to the consent given by the guardian of the child for adoption by their relative (where biological parents are not alive or not able to give consent)
23.	Schedule XXIII	Affidavit by the chief functionary or authorised person of the Specialised Adoption Agency to District Magistrate in support of adoption of child
24.	Schedule XXIV	Affidavit of prospective adoptive parents in cases of in-country relative adoption in support of their financial and social status as per sub-regulation 4 of regulation 54
25.	Schedule XXV	Pre-Approval format in case of In-country relative or step adoption
26.	Schedule XXVI	Application from a Child Care Institution for recognition as a Specialised Adoption Agency
27.	Schedule XXVII	Format of minutes of the Adoption Committee in case of in-country adoption

28.	Schedule XXVIII	Model application in case of orphan or abandoned or surrendered child(ren) for in-country adoption
29.	Schedule XXIX	Model application in case of orphan or abandoned or surrendered child(ren) for inter-country adoption
30.	Schedule XXX	Model application for in-country relative adoption
31.	Schedule XXXI	Model application for inter-country relative adoption
32.	Schedule XXXII	Model application for adoption of child or children by step & biological parent
33.	Schedule XXXIII	Adoption order
34.	Schedule XXXIV	Adoption dissolution Order
35.	Schedule XXXV	Verification certificate in case of adoption concluded under the Hindu Adoptions and Maintenance Act(HAMA), 1956 (78 of 1956)
36.	Schedule XXXVI	Family background report under adoption concluded under the Hindu Adoptions and Maintenance Act(HAMA), 1956 (78 of 1956)

SCHEDULE I

[See regulations 2(5), 6(13) and 7(17)]

CERTIFICATE DECLARING THE CHILD LEGALLY FREE FOR ADOPTION

1. In exercise of the powers vested in the Child Welfare Committee…….under section 38 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, child……., sex……. (Male or Female or Other), date of birth……..placed in the care of the Specialised Adoption Agency or Child Care Institution (name and address) vide order no…….dated……. of this Committee, is hereby declared legally free for adoption on the basis of the following:

   - Inquiry report of the Probation Officer or Child Welfare Officer or Social Worker or Case Worker or any other (as the case may be);
   - Deed of surrender executed by the biological parents or the legal guardian of the child before this Committee on (date);
   - Declaration submitted by District Child Protection Unit and the Child Care Institution or Specialised Adoption Agency concerned to the effect that they have made restoration efforts as required under section 40, the rules framed there under and the Adoption Regulations, but, nobody has approached them for claiming the child as biological parents or legal guardian as on date of the said declaration;
   - Consent of older child, in case applicable.

2. This is to certify that:

   - The biological parents or legal guardian, wherever available, has or have been counselled and duly informed of the effects of their consent including the placement of the child or

children in adoption which shall result in the termination of the legal relationship between the child and their family of origin;

- The biological parents or legal guardian have given their consent freely, in the required form, and the consent has not been induced by payment or compensation of any kind and the consent of the mother (where applicable), has been given only after the birth of the child;

- The Specialised Adoption Agency or the District Child Protection Unit to which the aforesaid child is entrusted shall arrange to post the photograph and other essential details of the child on the Designated Portal.

[*Note*: Strike out the box(es) which are not relevant to the case]**

[*Note*: Only one certificate may be issued in case of siblings or twins stating the relationship]**

[Note: To facilitate adoption in the best interest of the child, the Specialised Adoption Agency or District Child Protection Unit concerned, as the case may be, is permitted to post the profile of the child, including photograph, Child Study Report, Medical Examination Report and this certificate on the Designated Portal.**]**

Most recent photograph of the child

Date and Place Child Welfare Committee

Signature of any three members of the Committee

,

Date & Stamp

To: Specialised Adoption Agency or District Child Protection Unit- to post this certificate on the Designated Portal

SCHEDULE II

[See regulations 2(6), 6(15), 7(18), 61(5)(a) and 61(6)(a)]

CHILD STUDY REPORT

Registration No. of the Child on the Designated Portal:

Aadhar Card No:

Name of the Specialised Adoption Agency or Child Care Institution:

[The detailed report on the child shall include identifying information supported by documents. Child Study Report should be prepared as soon as the child is declared legally free for adoption by the Child Welfare Committee.]

Photograph of the child

I. GENERAL INFORMATION:

1. Name of the Child. ---------- (given by biological mother or parents or by the Specialised Adoption Agency or Child Care Institution or Child Welfare Committee)
2. Present age and date of birth:
3. Sex:
4. Place of Birth:
5. Religion (if known):
6. Type of child: Orphan or abandoned or surrendered
7. Date of admission of the child to the Specialised Adoption Agency or Child Care Institution:
8. Date of production before Child Welfare Committee:
9. Date declared as legally free for adoption by the Child Welfare Committee:

II. SOCIAL DATA

Please do not give identifying information about the natural parent.

1. How did the child come to your institution?
   (a) Admitted directly by parent or any other guardian:
   (b) Placed by Child Welfare Committee directly:
   (c) Transferred from any other institution, if so, name of the institution:
   (d) Any other source:
2. Reasons for seeking protection in the Institution:
3. Attitude of the child towards other children, if applicable:
4. Behaviour and relationship of the child towards staff and other adults including strangers:
5. General intelligence:
6. If the child is enrolled in school, give a detailed report about their standard, attendance, general interest in studies, progress, if any:
7. General personality and description of the child:
8. Play activity and any specific talent: Milestones of the child (for children below eighteen months). Please mark Yes or No (based on age appropriate responses)
   Does the child:-
   (a) Smile
   (b) Turn on their sides
   (c) Lift its head Grasp objects in its hand
   (d) Crawl on its own
   (e) Sit with full support or Sit without support
   (f) Stand with support or Stand without support
   (g) Walk with support or Walk without support
9. Dietary Habits:-
   (a) Intake of liquid food:
   (b) Semi-solid food:
   (c) Solid food:
10. Developmental Assessment (language spoken, behaviour, basic play skills, physical activity and communication and social skills etc.):
11. Social Background (This should include their social history i.e. brief background of the

birth parents and circumstances necessitating the child's surrender or abandonment, etc. Please do not give identifying information such as name and address of birth parents or relatives.):

12. I _____ social worker or the staff nurse of the Specialised Adoption Agency or the superintendent of the Child Care Institution hereby certify that the information given in this form about child _____ is correct.

Name & Signature of Social worker or
Staff nurse of the Specialised Adoption Agency or
Superintendent of the Child Care Institution

We have read and understood the contents of the Child Study Report and are willing to accept …… as our adoptive child.

(Signature of the male applicant)	(Signature of the female applicant)
(Name of the male applicant)	(Name of the female applicant)
Place and Date:	Place and Date:

SCHEDULE III

[See regulations 2(16), 2(25), 6(15), 7(18), 8(2), 36(9), 37, 51(4), 61(5)(a) and 61(6)(a)]

MEDICAL EXAMINATION REPORT AND CLASSIFICATION OF SPECIAL NEEDS OF THE CHILD

[Part-A may be filled by the social worker, counsellor or the staff nurse of the Specialised Adoption Agency or the Superintendent of the Child Care Institution as the case may be. If any information is not available, please state "Not Available". A paediatrician should be consulted if the child is under the age of one year. In case any child is found to have special needs as provided in the Schedule XVIII and Part E of the Medical Examination Report, the visiting doctor has to refer the case to Chief Medical Officer of the district.]

Registration No. of the Child on the Designated Portal:
Health Status: Normal or Special Needs
Date of Admission:
Name of the Specialised Adoption Agency:
Name of the Child Care Institution:

Disclaimer-

Thalassemia carriers and sickle cell trait: Children with carrier state of Thalassemia are asymptomatic. Similarly children with thalassemia minor shall rarely require blood transfusion. Children with sickle cell trait do not have haematological abnormalities and sickling of RBCs may rarely occur only when exposed to high altitude and low oxygen pressure (Guidelines for assessment of Disability by Union Ministry of Social Justice and Empowerment, 2018, section 29.6 and 37.3).

High risk infants and children: Children with history of perinatal adverse events like birth asphyxia, neonatal hyperbilirubinemia, neonatal sepsis, hypoglycaemia, complications associated with preterm delivery like respiratory distress syndrome, intraventricular haemorrhage etc., are at risk for developing subsequent delay in attainment of developmental milestones, epilepsy, neuromotor impairment and behavioural abnormalities. Hence, these children need detailed neurodevelopmental evaluation for proper diagnosis and holistic management.

Hepatitis B: The clinical course of Hepatitis B virus infection is diverse among individuals with different host genome, viral strains, and host-viral interactions. The earlier the HBV acquisition age is, the more likely the lifelong infection results. The perinatal infection constitutes 90% of chronic HBV infection in early childhood. Minority (10%) of chronic HBV infected subjects shall have HBsAg seroconversion, and get rid of chronic infected status. Majority of such patients may be clinically asymptomatic with normal Alanine Aminotransferase (ALT) levels but with high viral loads, and presence of HBeAg. In majority of the patients, HBeAg seroconversion to its antibody (Anti-HBe) occurs during or after the adolescent stage, indicating decrement of active viral replication and hepatitis activity. Delayed HBeAg seroconversion with persistently high viremia. After the 4 decade of life indicates a higher risk of developing liver cirrhosis and hepatocellular carcinoma. Up to 10-25% of chronic HBV infected adult subjects may suffer from HBeAg negative hepatitis flare after HBeAg seroconversion, especially in those who experience late HBeAg Seroconversion and are associated with increased lifelong risk of liver cirrhosis and HCC.

Hepatitis C: Although HCV infections acquired during infancy are more likely to spontaneously resolve than those acquired as an adult, still about 80% remain chronically infected. Children who remained HCV RNA PCR positive during and after one year of age had a lower likelihood of clearance. As in adults with chronic HCV, fibrosis of the liver in paediatric patients tends to increase with age suggesting slow progressive histologic injury although at a slower pace. Progression to cirrhosis in childhood is extremely rare.

HIV: All HIV exposed infants should undergo HIV DNA PCR in Dried blood spot (DBS). If DBS is positive for HIV, then the test is to be repeated in whole blood. In six to eighteen months old children, HIV antibody testing by ELISA followed by DBS testing for HIV and if found to be positive, and then DNA PCR in whole blood HIV antibody testing is confirmatory after eighteen months (NACO guidelines, 2-16).

Part A- General Information

[A duly registered Special Adoption Agency should complete Part A. If any information is not available, please state "Not Available".]

1. Name Of the Child:
2. Sex :
3. Date Of Birth :
4. Place Of Birth :
5. Nationality :
6. Name of the Present Institution : Placed since :
7. Weight at Birth (Kgs) :
8. Current Weight (Kgs) :
9. Head Circumference (cm):
10. Current Head Circumference (cm) :
11. Length at Birth (cm):
12. Current Length (cm) :
13. Was the Pregnancy and Delivery normal?
14. APGAR Score, if applicable :
15. Attach Neuroimaging :
16. Where has the child been staying before admission? :
    a. With the Mother: From To
    b. With relatives: From To
    c. In private care: From To
    d. In institution or hospital: From To

(Please state the name of the institution or institutions concerned)

Note: In case of new born children, refer to Medical Test for different age groups provided in the **Schedule IV.**

Social worker or counsellor or
The staff nurse of the Specialised Adoption Agency or
The Superintendent of the Child Care Institution
[Name and designation of the staff ,
date with signature]

Part B - Medical Details

[A duly registered physician should complete the Part B. If any information is not available, please state "Not Available". If the child is below 1 year, the child should be examined by Paediatrician. Medical Test for different age groups as provided in the Schedule IV of Regulations must be available.]

1. **Has the Child had any disease during the past? Yes or No or Do not Know**

a)Disease:

b)Age at the time of diagnosis (Months):

c)Remarks (any Complications):

2. **Has the Child been vaccinated against any of the Following Disease? :**
Yes or No or Do not know

Immunisation Details:

Tuberculosis (BCG)	Date of immunisation
Diphtheria	Date of immunisation
Tetanus	Date of immunisation
Whooping Cough	Date of immunisation
Poliomyelitis	Date of immunisation
Hepatitis A	Date of immunisation
Hepatitis B	Date of immunisation
MMR(Measles)	Date of immunisation

3. Description of Mental Development, Behaviour and Skill of the Child (if Possible).

i	Visual	When was the child able to fix?
ii	Aural	When was the child able to turn head to Sounds?
iii	Motor	When was the child able to sit by self?
		When was the child able to stand with support?
		When was the child able to walk without support?
iv	Language	When did the child start to speak monosyllables?
		When did the child start to say single words?
		When did the child start to speak sentences?
v	Contact	When did the child start to smile?
		How does the child communicate with adult and Other children?
		How does the child react towards strangers?
vi	Emotional	How does the child show emotions (anger, uneasiness,

disappointment, joy)?

Part C- Medical Examination Details

[A duly registered physician should complete the Part C. If any information is not available, please state "Not Available".]

1. Date of Medical Examination
2. Colour of Hair:
3. Colour of Eyes:
4. Colour of Skin:
5. Based on complete clinical examination of the child, I have observed the following evidence of disease, impairment or abnormalities (in case applicable).
   (a) Head (Form of Skull; Hydrocephalus; Craniotabes; Any Other; No Disease, Impairment or Abnormalities):
   (b) Mouth and Pharynx (Harelip or Cleft Palate, Teeth; Any Other ; No Disease, Impairment or Abnormalities):
   (c) Eyes (Vision; Strabismus; Infections; Any Other; No Disease, Impairment or Abnormalities):
   (d) Ears(Infections; Discharge; Reduced Hearing; Any Other; Deformity No Disease, Impairment or Abnormalities):
   (e) Hearing Screening - At least one of these test is mandatory:-
      a) Otoacoustic emissions (OAE):
      b) Brainstem evoked response audiometry (BERA):
   (f) Any Dysmorphic face? If yes, describe.
   (g) Organs of the chest (Heart, Lungs, Any Other, No Disease, Impairment or Abnormalities):
   (h) Lymphatic Glands (Adenitis: Any Other; No Disease, Impairment or Abnormalities):
   (i) Abdomen (Hernia; Liver; Spleen; Any Other; No Disease, Impairment or Abnormalities):
   (j) Genitals (Hypospadias; Testis Retention; Any Other; No Disease, Impairment or Abnormalities):
   (k) Neurodevelopmental Disorder (Meningitis; Encephalitis; Epilepsy; Cerebral Palsy; Any Other; No Disease, Impairment or Abnormalities):
   (l) Spinal Column (Kyphosis; Scoliosis; Any Other; No Disease, Impairment or Abnormalities):
   (m) Extremities (Pes equines; Valgus; Pescalcaneovarus; Flexation of the Hip, Spasticity; Paresis; Any Other; No Disease, Impairment or Abnormalities):
   (n) Skin **(Eczema; Infections; Parasites;** Any Other; No Disease, Impairment or Abnormalities**):**
   (o) Any Other:

6. Tests
   (a) Any Symptoms of Tuberculosis?
   Result of Tuberculosis test made (date and year): Positive or Negative or Not done
   (b) Any Symptoms of Hepatitis B?
   Result of Test for Hbs Ag: Positive or Negative or Not done
   Result of Test for Anti-HBs: Positive or Negative or Not done
   Result of Test for HBeAg: Positive or Negative or Not done
   Result of Test for Anti-HBe: Positive or Negative or Not done

(c) Any Symptoms of Syphilis? Result of syphilis reaction made (date and year): Positive or Negative or Not done

Result of VDRL Test:

Note:

(d) Any History of Jaundice and Blood Transfusion?

Result of HbSAg Test (date and year)

If Positive, whether specialist consultation taken? (Yes or no, date and year); and further tests or treatment undertaken (attach a copy of the documents)

7. Mandatory Test or Evaluation Reports (Provided in the **Schedule IV** of Regulations). If any of these screening tests is abnormal, further confirmatory tests and specialists opinion shall be mandatory.

(a) HIV

(b) Does the Urine Contain:

i. Sugar

ii. Albumen

iii. Phenyl Ketone

(c) Stools (diarrhoea, constipation)

Examination for Parasites: Positive or Negative or Not done

(d) Is there any developmental delay or regression or neurobehavioral or neurodevelopmental disorders?

(e) Give description of the developmental status and activities of daily living of the child.

(f) Any Additional Comments?

Note:

Refer to Age one to three years and more than three years of Medical Test as provided in the Schedule IV.

Part D- Developmental Milestones Detail

[A duly registered physician should complete the Part D. If any information is not available, please state "Not Available". Wherever required, assistance may be taken from a special educator, psychologist, physiotherapist, speech therapist and the social worker concerning the psychological and social circumstances of the child.]

Please Check on each of the following: -

1. Activity with Toys (age appropriate as applicable):

(a) The child's Eyes follow rattles or toys that are moved in front of the child.

(b) The child holds on to a rattle.

(c) The child plays with rattle (putting it in mouth, shaking it, moving it from one hand to other).

(d) The child put cubes on top of each other.

(e) The child plays purposely with toys, pushes cars, puts doll to bed, feeds doll, etc.).

(f) The child engages in role play with toys with other children.

(g) The child draws faces, human beings or animal with distinct features.

(h) The child co-operates in structured games with other children: ball games, card games, etc.

(i) The child likes to play more with inanimate objects other than toys.

2. Vocalisation or Language Development (age appropriate as applicable):

(a) The child vocalises in contact with care giver.

(b) The child repeats different vowel-consonant combinations (ba-ba, da-da, ma-ma,etc).

(c) The child uses single word to communicate.

(d) The child speaks in sentences.

(e) The child understands prepositions as: on top of, under, behind, etc.

(f) The child uses prepositions as: on top of, under, behind, etc.

(g) The child speaks in past tense.

(h) The child writes their own name.

(i) The child reads simple words.

(j) The child repeats same word or phrase again and again.

(k) Any other observation.

3. Motor Development (age appropriate as applicable):

(a) The child turns from back to stomach from age:

(b) The child sits without support from age:

(c) The child crawls or moves forward from age:

(d) The child walks with support of furniture from age:

(e) The child walks alone from age:

(f) The child climbs up and down stairs with support from age:

(g) The child climbs up and down stairs without support from age:

4. Contact with Adults (age appropriate as applicable):

(a) The child smiles in contact with a known caregiver.

(b) The child is easily soothed when held by a known caregiver.

(c) The child cries or follows known caregiver when caregiver leaves the room.

(d) The child actively seeks known caregiver when he or she is upset or has hurt themselves.

(e) The child seeks physical contact with all adults that come into the ward.

(f) The child communicates their feeling in words to caregivers.

5. Contact with other children (age appropriate as applicable):

(a) The child shows interest in other children by looking or smiling at their activity.

(b) The child enjoys playing besides other children.

(c) The child engages actively in activities with other children.

(d) The child prefers to stay alone most of the time.

6. General Level of Activity:

1. Active 2. Overactive 3. Not Very Active

7. General Mood:

(a) Sober

(b) Emotionally indifferent

(c) Fussy, difficult to soothe

(d) Happy, content

8. Overall Observation of the child. :

9. Health status of the child :

(a) If Normal, submit the report

(b) Incase the child needs further investigation, refer the case to the CMO

Signature of the Examinee Physician
Designation and Registration No.
Stamp
Date

Acceptance of Medical Examination Report by Prospective Adoptive Parents

We have read and understood the contents of the Medical Examination Report and are willing to accept _____ as our adoptive child.

(Signature of the male applicant)	(Signature of the female applicant)
(Name of the male applicant)	(Name of the female applicant)
Date:	Date:
Place:	Place:

Part E – Special Needs Condition

[Chief Medical Officer of the district shall complete the Part E maximum within a period of fifteen days. If any information is not available, please state "Not Aavailable". In case of child below one year, it should be examined and reported by a paediatrician of the district hospital which should be countersigned by Chief Medical Officer of the district. Children having deficiencies which are curable and treatable shall be given treatment for the same and the child shall accordingly be not included in the category of child with special needs. Details of classification of children having special needs are placed below:]

Does the child fall under any of these conditions?[Please mark√ where applicable]

1. Infants (birth to 12 months) Requiring Observation:

Infant with history of adverse perinatal events; e.g. birth asphyxia, neonatal jaundice, neonatal sepsis, low blood sugar, complication associated with preterm delivery and very low birth weight (less than 1500gms) etc. at the risk of developing neurodevelopment disorders, neuromotor conditions, epilepsy and behavioural abnormalities. These infants need close follow up and observation for diagnosis and further management. They can have developmental delay, stiffness or looseness of body convulsions and behavioural problems. They can be mildly (mild speech delay) to severely affected.

(a) Infants with history of :

i. Birth Asphyxia:
ii. Neonatal Sepsis:
iii. Pathological:
iv. Neonatal Hypoglycemia:

(b) Very low birth weight(less than 1500gms) wherever available or weight at time of placement to SAA or:

(c) Pre-term(less than thirty two weeks) wherever available or assessable at time of placement to SAA:

Detailed hospital discharged summary (if available)

NOTE: This category 1 of Infants requiring observation may be a temporary special needs categorisation. It shall require close follow up and evaluation of the special needs status periodically especially within the 1st year of life. Many of these may become typically developing

or normal children.

2. Neuromotor Conditions:

These are abnormalities resulting from damage to the brain, spinal cord or nervous system, which result in problems related to movement and posture. These conditions range from mild to severe stiffness or looseness of one or more limb and trunk. Due to stiffness or looseness, these children may have abnormal posture and gait. They can be mildly effected (e.g. stiffness of ankle) to severely affected (e.g. nonattainment of sitting or standing or walking etc.). They may or may not be independent in carrying out activities of daily living.

(a) Cerebral Palsy:

(b) Muscular Dystrophy:

(c) Hereditary or Acquired Neuropathy:

(d) Spinal Muscular Atrophy:

(e) Neuropaediatric report:

3. Neurodevelopmental Disorders:

These are impairment of growth and development of the brain or central nervous system. This can include developmental brain dysfunction, which can manifest as neuropsychiatric problems or problems of learning, language, non-verbal communication etc. They can be mildly affected (e.g. mild speech delay) to severely affected (e.g. nonattainment of sitting or standing or walking, severe intellectual disability, severe autism spectrum disorder etc.)

(a) Intellectual Disability:

(b) Learning Disability:

(c) Autism Spectrum Disorder:

(d) Attention deficit hyperactivity disorder:

Formal Developmental Quotient & Intelligence Quotient Report with assessment by the clinical or child psychologist:

4. Skeletal or Orthopaedic Conditions:

These include impairments caused by congenital anomalies such as absence of member, clubfoot, Impairment caused by acquired diseases such as poliomyelitis or impairment for other causes to include amputation, fractures etc.

(a) Amputation (Partial or Complete):

(b) Post fracture deformity:

(c) Upload X-Ray and Orthopaedic Report:

5. Vision Impairment and eye related Conditions:

Vision impairment is a decreased ability to see to a degree that causes problems not fixable by usual means such as glasses. It ranges from mild impairment to complete blindness. Other eye related problems include squint, cataract etc. These children may or may not be independent in activities of daily living depending on severity of condition.

(a) Blind or Low vision:

(b) Retinal Detachment:

(c) Squint*:

(d) Cataract*:

(e) Ophthalmologist Report:

6. Hearing Impairment and speech and language:

Hearing impairment is a partial or total inability to hear. Speech and language conditions shall include speech dysfunction or dysphasia, severe stammering etc. These children may or may not be independent in activities of daily living depending on severity of condition.

(a) Deaf or Hearing impairment or Hard of hearing :

(b) Speech dysfunction or dysphasia:

(c) Severe Stammering:

(d) Speech therapy report:

(e) ENT Report:

7. Birth Defects:

This category includes babies born with a part of the body that is missing or malformed. This includes a range of defects like skin, soft tissue, bone, cardiac etc. These may or may not be required intervention based on organ involved.

(a) Ambiguous genitalia:

(b) Undescended Testis:

(c) Single Kidney:

(d) Congenial Heart Defects:

(e) Fetal Alcohol Syndrome:

(f) Cleft lip or palate or both*

(g) Pierre Robin Syndrome:

(h) Hernia*:

(i) Congenial Dislocation of Hip:

(j) Finger or Toes Joined (syndactyly):

(k) Disfiguring Birth Mark*:

(l) Primary Microcephaly:

(m) Clinical Report along the opinion of medical specialist:

8. Identical Genetic or Metabolic Conditions:

Inherit metabolic disorders are genetic conditions that result is metabolism problem. They may be treatable by dietary modifications or may require special diets.

(a) Albinism:

(b) Dwarfism:

(c) Ectodermal Dysplasia:

(d) Clinical Report along the opinion of medical specialist:

9. Blood related conditions:

Common blood related conditions include anaemia, bleeding disorders such as haemophilia etc. They require frequent blood transfusion or coagulation factor transfusion based on severity of disease.

(a) Sickle Cell Anaemia:

(b) Thalassemia:

(c) Haemophilia:

(d) Haematology Report:

10. Chronic Systemic Disorders:

These include chronic respiratory, cardiac, endocrine, gastrointestinal and neurological disorder. Due to chronicity, they may require long term or lifelong medications. Life span depends on type of underlying condition.

(a) Respiratory Disorders:

(i) Chronic Asthma:

(ii) Bronchiectasis:

Medical specialist report:

(b) Cardiac Disorders:

(i) Rheumatic Heart Disease:

(ii) Any Other:

Medical specialist report:

(c) Endocrinal Disorders:

(i) Diabetes Mellitus:

(ii) Hypo or Hyper Thyroidism:

Medical specialist report:

(d) Neurological Disorders:

(i) Epilepsy:

(ii) Multiple Sclerosis:

(iii) Any Other:

Medical specialist report:

(e) Gastrointestinal Disorders:

(i) Celiac Disease:

(ii) Inflammatory Bowel Disease:

Medical specialist report:

(f) Others:

(i) Chronic Tonsillitis:

(ii) Chronic Otitis Media:

(iii) Any Other:

Medical specialist report:

11. Skin Conditions:

These includes non-infectious skin conditions like eczema, vitiligo etc. These children may need long term medication.

(a) Burns*:

(b) Ichthyosis:

(c) Vitiligo:

(d) Dermatologist Report:

12. Infectious Conditions:

These include congenial and acquired infection like Hepatitis B, Hepatitis C, HIV, Tuberculosis etc.

(a) Congenial:

(i) Hepatitis B:

(ii) Hepatitis C:

(iii) HIV:

(iv) Tuberculosis:

Relevant Test Report along with opinion of medical specialist:

(b) Acquired:

(i) Hepatitis B:

(ii) Hepatitis C:

(iii) HIV:

(iv) Elephantiasis:

(v) Tuberculosis:

(vi) Leprosy (Active):

Relevant Test Report along with opinion of medical specialist:

13. Nutritional Disorders and Deficiency States*:

These include nutrient deficiencies or excesses in the diet, malnutrition, obesity and eating disorders.

(a) Malnutrition*:

(b) Obesity*:

(c) Eating Disorders*:

(d) Rickets*:

(e) Nutritional Anaemia*:

(f) Scurvy*:

Relevant Test Report along with opinion of medical specialist:

14. Other Conditions:

These include the following.

(a) Tumorous and Childhood Malignancies:

(b) Post Surgery (Colostomy, Ileostomy):

(c) Traumatic Injuries:

(d) Any Neuropsychiatric Illness:

(e) Any Other:

Relevant Test Report along with opinion of medical specialist:

15. Multiple Co-existing Conditions:

In case combination of the above listed disorders or diseases are selected.

[Note- * This may be a temporary special needs categorisation. It shall require close follow up and evaluation of the special needs status periodically. Some of these may become typically developing or normal children.]

With the above profile, I conclude that the child is having special needs or not having special needs.

Signature of the Examinee CMO

Designation and Registration No.

Stamp

Date

Acceptance of Medical Examination Report by Prospective Adoptive Parents

We have read and understood the contents of the Medical Examination Report and are willing to accept _____ as our adoptive child.

(Signature of the male applicant)
(Name of the male applicant)
Date:
Place:

(Signature of the female applicant)
(Name of the female applicant)
Date:
Place:

SCHEDULE IV

[See regulations 30(1)(f), 30(1)(u) and 51(6)(a)]

MEDICAL TEST FOR CHILDREN ADMITTED INTO INSTITUTIONS & RED FLAGS FOR DEVELOPMENTAL MILESTONES

1.Medical test for a child admitted into an institution can be broadly divided into two categories:

(a) To diagnose an illness or condition that requires specific treatment and thus testing shall help in restoring the health of the child.

(b) To diagnose an illness or condition of a nature that implies that the child shall require special attention (medical and parental) beyond what a normal child needs, and therefore the family that adopts them should be aware of the condition.

2.Following shall be considered while conducting the medical test:

(a) The interest of the child has to be foremost.

(b) If the test results warrant further testing, specific therapy or consultation with specialists, should be undertaken by the Agency or Institution where the child is staying.

3.Medical Tests for different age groups:

3.1 Newly born:

(a) Preterm newborns or those newborns weighing <2000g at birth or admission should be evaluated by a specialist neonatologist or paediatrician. These babies should undergo screening for Retinopathy of prematurity.

(b) Screening for hypothyroidism by thyroid function test (T4,TSH)

(c) Hearing screening: Otoacoustic Emissions (OAEs) or Brain stem evoked response audiometry (BERA)

(d) Screening for critical congenital heart disease: Pulse oximetry

(e) HBsAg

If any of these screening tests is abnormal, further confirmatory tests and specialist's opinion should be mandatory, before labelling the child as special needs.

3.2 Infants between 1 month to 1 year of age

(a) Infants should be evaluated by a paediatrician

(b) Screening for hypothyroidism by thyroid function test (T4,TSH)

(c) Hearing screening: otoacoustic emission (OAE) or Brain stem evoked response audiometry (BERA)

(d) Complete blood count, liver function test and renal function test (CBC, LFT and RFT)

(e) HIV testing in children older than four-six weeks of age

(f) HCV testing in children older than three months of age

(g) HBsAg

If any of these screening tests is abnormal, further confirmatory tests and specialist's opinion should be mandatory, before labelling the child as special needs.

3.3 Age one to three years and more than three years

(a) In high risk areas (central and western states of India and tribal populations), screening for sickle cell anaemia is advised by complete blood count and either of these-haemoglobin electrophoresis or solubility testing for haemoglobin S or isoelectric focusing or high-performance liquid chromatography (HPLC).

If a child is found to be a carrier or trait for beta thalassemia or sickle cell anaemia on screening, he or she is unlikely to be affected or have transfusion requirement, and hence should not be considered as special needs.

(b) HIV - Procedure for diagnosis in infants and children below eighteen months of age:-

(i) HIV serological testing is used for the diagnosis of HIV in adults and children above eighteen months of age.

(ii) Serological tests are not reliable and difficult to interpret in infants and children below eighteen months of age because of passage of maternal HIV antibody across the placenta.

(iii) In children younger than eighteen months, diagnosis of HIV infection is based on: a positive virological test for HIV or its components (HIV RNA or HIV DNA or ultrasensitive [Us] HIV p24 Ag) confirmed by a second virological test performed on a separate specimen taken more than four weeks after birth.

(iv) The World Health Organisation guidelines strongly recommend that all HIV- exposed infants have HIV virological testing at four-six weeks of age or at the earliest opportunity thereafter.

(v) If the child is older than nine months, an HIV serological test is recommended prior to any virological testing, and a virological test should be performed for those with a reactive HIV serological test.

(vi) In the non-breastfed or never-breastfed infant, a negative serological test result at or above the age of nine months can be used to rule out HIV infection.

(vii) In infants with an initial positive virological test result, it is strongly recommended that antiretroviral therapy be started without delay and, at the same time, a second specimen collected to confirm the result.

(viii) All the infants with unknown or uncertain HIV exposure being seen in health-care facilities at or around birth or at the first postnatal visit (usually four–six weeks), or other child health visit, have their HIV exposure status ascertained.

(ix) If the infant is seen <72 hrs after the delivery and HIV exposure is identified, post-exposure prophylaxis, counselling on safe breastfeeding and an HIV virological test at four–sixweeks is recommended.

(x) For infants first seen at four–six weeks or the earliest thereafter and in whom HIV exposure is documented, HIV virological testing should be performed and the mother should receive safe infant-feeding counselling.

(xi) A negative HIV serological test in the mother does not per se exclude HIV exposure; the possibility of very recent incident infection of the mother during this pregnancy should be kept in mind.

[In infants and children less than eighteen months of age, a positive HIV serological test confirms HIV exposure but cannot definitively diagnose HIV. HIV serological testing can be used to exclude HIV infection.]

(c) HCV diagnosis in infants and children:-

(i) Hepatitis C infection (HCV) is a chronic viral infection of the liver that affects 1-2% of adults and about 0.15 to 0.4% of children and adolescents.

(ii) In children, the infection is mostly acquired from mothers (vertical transmission).

(iii) Screening is by testing for HCV antibody in blood. The mother's HCV antibody crosses

the placenta and can stay in the blood of an infant for up to eighteen months. Thus the anti-HCV antibody test cannot be done to screen for HCV in infants <eighteen months of age.

(iv) The American Academy of Paediatrics recommends testing with antibody test after eighteen months of age in high-risk children. Positive antibody test should be confirmed by HCV- PCR.

(v) If the baby is born to a known HCV positive mother (or in babies in adoption homes), testing with the HCV-PCR can be done. This should be done after three months of age due to a high rate of temporarily positive tests in infants under three months of age. Two negative HCV-PCR tests separated by at least two to three months are needed to confirm that there is not an infection with the hepatitis C virus.

(d) HBsAg

(e) CBC, LFT and RFT

RED FLAGS FOR DEVELOPMENTAL MILESTONES:-

Age	**Red flags for gross motor**
9 months	No sitting without support
12 months	No standing with assistance
17 months	Unable to stand alone
18 months	Unable to walk alone
2 years	Unable to walk upstairs with help
4 years	Unable to jump

Age	**Red flags for fine motor**
5 months	Unable to hold rattle
12 months	No pincer grasp
20 months	Unable to remove socks or gloves
24 months	Unable to scribble
3 years	Cannot work with simple toys
5 years	Does not draw picture

Age	**Red flags for socio adaptive**
2 months	No social smile
12 months	No pointing
3 years	No pretend play
4 years	Does not respond to peers
5 years	Unusually withdrawn and not active

Age	**Red flags for hearing**
12 months	No babbling or vocal imitation
18 months	No use of single words
24 months	Single word vocabulary ≤ 10 words
30 months	<100 words, No 2-word combination
36 months	<200 words, No telegraphic sentence
42 months	<600 words, No simple sentences

SCHEDULE V

[See regulation 7 (3)]

DEED OF SURRENDER

Case No…….

In Re……..

1. I or We, the undersigned……. (Family name or First name(s)) residing at …… , surrender my or our child(ren) …….. (named) Aged……, having date of birth…… on our own and without any coercion, compulsion, threat, payment, consideration, compensation of any kind;

2. I or We have been counselled and informed:

(a) about the implication that I or we can withdraw our consent until sixteeth day of this surrender deed after which my or our consent shall be irrevocable and I or we shall have no claim over the child or children.

(b) have been made aware of the implications of surrender and are conscious of the fact that after the sixtieth day from date of the surrender deed, the legal parent-child relationship between my or our child or children and me or us shall be terminated.

(c) understand that my or our child may be adopted by person(s) residing in India or abroad and give my or our consent for this purpose.

(d) understand that the adoption of my or our child shall create a permanent parent-child relationship with the adoptive parents and then cannot claim back the child.

3. I or we wish or do not wish (please tick whichever is applicable) my or our identity and address to be disclosed to my or our child when he or she returns for root search.

4. I or we declare that I or We have read the above statements carefully and have fully understood the same.

Done at ..... on.....

[Signature or Thumb Impression of surrendering person(s)]

5. Declaration by Witnesses

We the undersigned have witnessed the above surrender.

(a) Signature, Name and Address of the first witness

……
……..

(b) Signature, Name and Address of the second witness

……
……

6. Certification of Child Welfare Committee

We hereby certify that the person and the witness(es) named or identified above appeared before us this date and signed this document in our presence.

Done at ..... on.....

Signature and Seal of Members or Chairperson Child Welfare Committee

SCHEDULE VI

[See regulations 10(1), 10(5), 16(3), 21(1), 45(3), 54(1), 55(1), 56(3), 59(3),59(4) and 59(5)]

ONLINE REGISTRATION FORM AND LIST OF DOCUMENTS TO BE UPLOADED

Date of Registration:	
Applicant category:	(i) Indians living in India, the prospective adoptive parents shall have to register themselves. (ii) In case of Overseas Citizen of India Cardholder or a foreign national habitually residing in India, the prospective adoptive parents have to register themselves. (iii) In cases of non- resident Indian, Overseas Citizen of India Cardholder or a foreign prospective adoptive parents habitually residing in a foreign country, registration shall be done by Authorised Foreign Adoption Agency or Central Authority or Foreign Government department concerned in the country of residence. (iv) In case of Non-Hague countries, Indian mission abroad can process the applications of non- resident Indian and Overseas Citizen of India Cardholder prospective adoptive parents.
Applicant status:	Single-unmarried or widow or widower or divorcee or legally separated or Married couple **(Date of marriage, place of marriage)**

	Male	Female
Name		
Date of Birth		
Nationality by Birth		
Current Nationality or Citizenship address		
Current residential address		
City or District		
State		
Country		
Zip or Pin code		
Phone no.		
Mobile no.		
Email		
Occupation Details		
Nature of occupation	Govt. job or Private job or Public sector job or Business or Non-profit organisation or Consultant or Professional or Others or Not working	
Place of Work		
Annual Income		
No. of Biological or Adopted Children	Total ( )	

Identification Details (As applicable)	
PAN Number	
Aadhar Card Number	
Overseas Citizens of India Card Number	
Passport Number	
Preference for Adoption	
Sex	Boy or Girl or Other or No Choice
Child Category	Sibling or Single
Health Status	Normal or Special Needs
If opted for Child or Children with Special Needs , kindly mention the specific categories	
Age	0-2 years or 2-4 years or 4-6 years or 6-8 years or 8-10 years or10-12 years or 12-14 years or14-18 years
Preference for State	
Name of the Agency for Home Study Report	
Address of the Agency	
Motivation for Adoption (Max 200 characters)	
In case of resident Indians, Overseas Citizens of India Card holder or Foreign prospective adoptive parents habitually residing in India, the prospective adoptive parents shall have to register themselves with all relevant documents. In case of non- resident Indian or Overseas Citizens of India card holder or Foreign prospective adoptive parents	**Documents to be uploaded at the time of registration** **1. In-country Adoption (Indians residing in India)** (1) Current family photograph or Photograph of person adopting a child (2) Aadhar Card or Passport or Voter card or Driving License of the prospective adoptive parents or Birth Certificate or Overseas Citizen of India card of the prospective adoptive parents (if applicable) and PAN card(if applicable). (3) Birth certificate or Proof of date of birth of the parents (In the event of a married couple, upload the applicant's respective medical certificates.) (4) Proof of residence (Aadhar card or voter card or passport or current electricity bill or telephone bill) (5) Proof of income of last year (salary slip or income certificate issued by Govt. department or income tax return) (6) Certificate from a medical practitioner certifying that the prospective adoptive parents do not suffer from any chronic, contagious or fatal disease and they are fit to adopt (In the event of a married couple, upload the applicant's respective medical certificates.) (7) Marriage certificate or Divorce Decree or Declaration from the competent court or affidavit on oath pertaining to divorce in case of divorce governed by personal law where decree of divorce is not mandatory or Death certificate of spouse whichever is applicable (8) Undertaking from the relative in case single prospective adoptive parents (if applicable) (9) Consent of the older child or children in the adoptive family **2. Inter-country Adoption in cases of non- resident Indian or Overseas Citizens of India Cardholder and Foreign prospective adoptive parents** (1) Current family photograph or Photograph of person adopting a child (2) Home Study Report of prospective adoptive parents (in case of Overseas Citizens of India Cardholder and foreign prospective adoptive parents

residing abroad, registration shall be done by Authorised Foreign Adoption Agency or Central Authority or Government department or through Indian Mission (in cases of Indian citizens and Overseas Citizen of India Cardholders) only after completion of Home Study Report.	residing in India to be uploaded later after registration) (3) Passport (Male prospective adoptive parent) (4) Passport (Female prospective adoptive parent) (5) Overseas Citizen of India card of the prospective adoptive parents (if applicable) (6) Birth Certificate(Male prospective adoptive parent) (7) Birth Certificate (Female prospective adoptive parent) (8) Proof of Residence of prospective adoptive parent (9) Proof of income of last year (e.g. salary slip or income certificate issued by Government department or Income tax return) (10) Certificate from a medical practitioner certifying that the prospective adoptive parents do not suffer from any chronic, contagious or fatal decease and they are fit to adopt (11) Police Clearance certifying the antecedents of male prospective adoptive parent (12) Police Clearance certifying the antecedents of female prospective adoptive parent (13) Marriage Certificate (in case of couple) (14) Copy of divorce decree or Declaration from the competent court or affidavit on oath pertaining to divorce in case of divorce governed by personal law where decree of divorce is not mandatory or death certificate of the spouse (if applicable) (15) Undertaking from the relative in case of single prospective adoptive parent (if applicable) (16) In case of Overseas Citizen of India Cardholder or Foreign prospective adoptive parents living in India, a copy of No Objection Certificate from their Embassy or High Commission for adoption (17) First Reference Letter from a respected member of the society known to the prospective adoptive parents (18) Second Reference Letter from a respected member of the society known to the prospective adoptive parents (19) Consent of the older child or children in the adoptive family for such adoption <u>Other documents to be uploaded after referral</u> (1) Consent of the older child or children to be adopted (2) Permission of the receiving country as provided in Article 5 or 17 of The Hague Adoption Convention (applicable in case of Hague ratified country) (3) In case of prospective adoptive parents residing abroad, undertaking from the prospective adoptive parents to allow personal visits by the representative of the Authorised Foreign Adoption Agency or Central Authority or concerned Government department or Indian Mission, as the case may be, for follow-up of the progress of the child as required under the Adoption Regulations (4) In case of Overseas Citizen of India Cardholder or Foreign prospective adoptive parents living in India, undertaking from the concerned Specialised Adoption Agency to provide post adoption follow-up (5) In case of Overseas Citizen of India Cardholder or Foreign prospective adoptive parents living in India, undertaking to allow personal visits of the representative of the Specialised Adoption Agency or District Child Protection Unit or State Adoption Resource Agency at least for a period of two years from the date of adoption (6) Undertaking from the Authorised Foreign Adoption Agency to provide progress report of the child for a period of two years and make alternate arrangement in case of disruption

	(7) Undertaking for permitting home visit to the social worker during post-adoption follow up
In case of Non- resident Indian and Overseas Citizen of India Cardholder prospective adoptive parents residing abroad, registration shall be done by the concerned authority, i.e. Authorised Foreign Adoption Agency or Central Authority or Government department or Indian Mission(in cases of Indian citizens) for the purpose of relative adoption only after completion of Home Study Report.	**3. Inter-country Relative Adoption** At the time of registration, all requisite documents to be uploaded on the Designated Portal as stated above in cases of inter-country Adoption[(1)-(19)] along with (1) a recent photograph of the child or children to be adopted. (2) Recent family photographs of the child with adoptive parents and biological parents. (3) Consent of the older child to be adopted. (4) Consent of the older child or children in the biological family. (5) Relationship of the prospective adoptive parents to the relative child (family tree), as per section 2(52) of the Act. <u>To be uploaded at the later stage of registration</u> (6) Permission of the receiving country as provided in Article 5 or 17 of The Hague Adoption Convention (applicable in case of Hague ratified country) (7) Consent of the biological family as provided in the **Schedule XIX**. (8) Permission from the Child Welfare Committee to the legal guardian to surrender the child in adoption with the relative as provided in the **Schedule XXII** (if applicable). (9) Family background report by District Child Protection Unit as provided in the **Schedule XXI** duly recommended by concerned State Adoption Resource Agency.
In case of In-country Relative Adoption, the prospective adoptive parents have to register for such adoptions on the Designated Portal and handover relevant documents to District Child Protection Unit to upload in the Designated Portal.	**4. In-country Relative Adoption** At the time of registration, all requisite documents to be uploaded on the Designated Portal as stated above in cases of in-country Adoption[(1)-(9)] alongwith (1) A recent photograph of the child or children to be adopted (2) Consent of the older child to be adopted (3) Consent of the older child or children in the biological family (4) Consent of the biological parents (as provided in the **Schedule XIX** of the Adoption Regulations) (5) Permission from the Child Welfare Committee to the legal guardian to surrender the child in adoption with the relative as provided in the **Schedule XXII** (if applicable) (6) Affidavit by prospective adoptive parents in support of their relationship, financial and social status as provided in the **Schedule XXIV** of the Adoption Regulations (7) Relationship of the prospective adoptive parents to the relative child (family tree), as per section 2(52) of the Act
In case of Adoption of child or children by step-parent, the biological and step parents have to register on the Designated Portal and provide relevant documents by uploading the same online through the Designated Portal.	**(5) Adoption of child or children by step-parent** At the time of registration, all requisite documents to be uploaded on the Designated Portal as stated above in cases of in-country Adoption[(1)-(9)] alongwith (10) A recent photograph of the child or children to be adopted (11) Consent of the older child to be adopted (12) Proof of both parents (biological and step-parent) being legally wedded (13) Consent of the biological parents, spouse adopting the child or children as provided in the **Schedule XX** of the Adoption Regulations alongwith relevant documents mentioned thereof

SCHEDULE VII

[See regulations 2(14), 10(8) and 21(2)]

HOME STUDY REPORT OF RESIDENT INDIAN PARENT OR OVERSEAS CITIZEN OF INDIA CARD HOLDER OR FOREIGNER LIVING IN INDIA

Mr. -

Ms. -

Status of prospective adoptive parents – Single or Married or Divorced or Separated or Widow or Any Other

All prospective adoptive parents are required to register on the Designated Portal and adopt from the authorised institutions.

DESIGNATED PORTAL REGISTRATION NO.	
DATE OF REGISTRATION	
PAN CARD NO. (MALE APPLICANT) PAN CARD NO. (FEMALE APPLICANT)	
AADHAR CARD NO. (MALE APPLICANT) AADHAR CARD NO. (FEMALE APPLICANT)	
PASSPORT NO., IF APPLICABLE (MANDATORY IN CASE OF FOREIGN OR OCI PROSPECTIVE ADOPTIVE PARENTS)	
NAME OF THE SOCIAL WORKER	
NAME OF THE SPECIALISED ADOPTION AGENCY OR DISTRICT CHILD PROTECTION UNIT	
ADDRESS OF THE SPECIALISED ADOPTION AGENCY OR DISTRICT CHILD PROTECTION UNIT	
CONTACT NO. OF THE SOCIAL WORKER	
E-MAIL ID	
DATE OF HOME VISIT	

Part-1 of the report is to be filled up by the prospective adoptive parents. The Home Study Report helps build a strong proposal for the prospective adoptive parent (s) to adopt, and therefore, prospective adoptive parents are expected to provide all information to the best of their knowledge. The prospective adoptive parents are solely responsible for the authenticity of the information provided in the template and are required to sign below on each page of Part1. Any difficulty faced by the prospective adoptive parents in filling up Part 1 may be shared with the social worker during the home visit.

Part-2 of the template is to be filled up by the professional social worker engaged by the Specialised Adoption Agency or District Child Protection Unit or State Adoption Resource Agency. The Home Study Report helps assess the suitability of the prospective adoptive parents to adopt. During the home study, the Social Worker shall assess the financial, employment, health, lifestyle, home and neighbourhood environments of the prospective adoptive parents; their parenting styles or attitude(s) towards parenting; motivation for adoption; commitment towards adoption and their overall readiness-cum-maturity to adopt. The social worker is also responsible for providing pre-adoption counselling to the prospective adoptive parents.

Each and every page of the Home study report needs to be duly attested by the concerned social worker.

Part-1

To be filled (printed) by the prospective adoptive parents

A. Familiarity with Adoption

[This section can be filled up by either of the prospective adoptive parents]

(1) What is your motivation behind adopting a child?

(2) Will you be able to support an older child, a child with an addressable medical condition or a child with special needs? Yes or No.

If yes, kindly elaborate on the motivating factors for the same.

(3) Have you met any adoptive families or children who were adopted – if yes, how was your experience and response

(4) Are there any areas where you may need counselling or professional help in supporting the child you wish to adopt – please provide details.

(5) Please describe how the adoption shall affect other members residing with you and extend support to the child.

B. Family background information:

Particulars	**Male Applicant**	**Female Applicant**
Name (underline Family name)		
Date of birth		
Place of birth		
Citizenship*		
Address		
Email ID		
Contact Phone No. and Mobile No.		
Religion		
Language(s) spoken at home		
Date of marriage		
Date of earlier marriage (if any)		
Date of divorce (if any)		
Educational Qualification		
Employment or Occupation		
Name and Address of the present Employer or Business concern		
Annual Income		
Health Status		

**Incase of foreign citizenship, it is mandatory to mention details and attach copy of the passport. In such cases, the No Objection Certificate from their Diplomatic Mission in India shall be required.*

Photograph of the prospective adoptive parents

(1) Provide following information about your parents.

Details about Parents of the Applicants	Male Applicant		Female Applicant	
	Father	Mother	Father	Mother
Name in full				
Age				
Nationality or Citizenship				
Occupation				
Previous occupation				
Presently residing with prospective adoptive parent (Indicate Yes or No)				

(2) Please complete the following table with the details of each of your respective children (adopted and biological).

Name of the Child	Biological or Adopted	Gender	Date of Birth	Educational Status

(3) Please provide age, gender, occupation, and nature of the relationship of other family member(s) residing with prospective adoptive parents.

Name	Nature of Relationship	Age	Gender	Education	Occupation

(4) Please provide details of any other non-related adults or children living in the home(e.g. househelp, staff, outside personnel etc):

C. Professional or Employment Details (Professional career details for last five years): Please complete

the following table with details relating to your professional career.

Male Applicant			
Organisation	Employer Details (Name and Address)	Job Title	From To

Female Applicant			
Organisation	Employer Details (Name and Address)	Job Title	From To

D. Financial Status: (Give a short description of your income from all sources, savings, investments, expenditures, debts and liabilities).

Please provide your most recent tax invoices, bank statements etc. of both of you.

Do you have any outstanding debts, mortgages etc.

(1) If yes, please provide supporting documentation:

(2) No

E. Current marital relationship (if applicable): (Give details about the marriage, legal separation, if any, reasons for such separation, present marital life and decision making procedures).

(1) Please specify your marital status:

(2) Please describe the procedures you and your spouse use to reach a decision.

F. Attitude of grand parents or extended family members, other relatives and significant others towards the present adoption: (Give a short description about the opinion of other important persons towards adoption who shall have impact in the child rearing process when the child arrives in the receiving country.)

G. Anticipated Plans of the prospective adoptive parents for taking care of the child:

(1) Please describe how you will manage caring for the adopted child and other life commitments such as work.

(2) Who shall be responsible for caring for the child when you are at work, or absent from the familial home (domestic help, grandparents and spouse).

(3) In case the adopted child demonstrates adjustment difficulties, please describe the steps that you plan to take to ease their transition into the family?

H. Preparation and Training for Adoption: (Give details about the pre-adoption counselling sessions or training and or experiences related to child care, handling of needs of children, parenting children having special needs, if any.)

Put a tick (✔) on the following as applicable

(1) Understanding about adoption procedure:

(2) Reading of reference materials:

(3) Learning from friends or relatives:

(4) Interaction with adoptive parents groups:

(5) Learning through counseling from professionals:

(6) Video Modules on Adoption

I. Possible Rehabilitation Plan for the child in case of any eventuality with prospective adoptive

parents: (Give a short description about your plan for the security of the child in case you face any short or long term eventuality.

(1) Does your work require you to travel?

(2) Who shall care for the child in your absence? Please provide a brief description including their age, gender, occupation and relationship:

(3) In the event of unforeseen misfortune do you have someone who could take legal guardianship of child? If so, Please provide a brief description including their age, gender, occupation and relationship and contact details:

(4) In case you are a single prospective adoptive parent, please give a short description about the close relative who shall be giving undertaking for the security of the child.

J. Health Status (Emotional and Physical):

(1) Do you or your spouse suffer from any medical condition? If so, kindly provide details?

(2) Are you or your spouse currently being treated by a psychologist or psychiatrist?

(3) Are you currently taking any prescribed medication?

(4) Are there currently any child(ren) in your house being treated for a severe medical condition?

(5) Does everyone in your family including you and your spouse have health and hospitalisation insurance coverage for all family members?

K. Self-declaration

I or We certify that we are physically, mentally, emotionally and financially capable, and do not have any life threatening medical condition and have not been convicted in criminal act of any nature or accused in any case of child rights violation.

Name of the prospective adoptive parents

Signature of the prospective adoptive parents

Date

Place

PART 2

(To be filled up by the social worker preparing the Home Study Report)

As far as possible, the Home Study Report has to be completed within a period of two months from the date of uploading valid documents on the Designated Portal.

The social worker should attempt to put the prospective adoptive parents at ease by opening the conversation with a warm-up question. The social worker should employ non-verbal cues such as inclining the head and nodding to indicate that the prospective adoptive parents are actively listening. After each question, the social worker may provide the prospective adoptive parents with sufficient time to respond. Any verbal response by the social worker to an answer by the prospective adoptive parents should be neutral and non-judgmental. The social worker should attempt to establish eye contact as much as possible between reading the question and jotting down the response of the prospective adoptive parents to demonstrate empathy. The social worker should try to avoid interrupting the prospective adoptive parents unless they do not understand a response.

(The information or facts filled in the template shall be kept confidential by the agencies or authorities.)

1. Factual Assessment:

(i) Have you verified the contents of the facts mentioned in Part I of the template?
Yes or No

(ii) Are you satisfied about the facts mentioned in the documents vis-à-vis observation during interviews and visits?
Yes or No

2. Psycho-social Assessment:

2.1 Interaction with the prospective adoptive parents

(i) Have you interacted with the prospective adoptive parents individually and or jointly?

(ii) Are the prospective adoptive parents well prepared for adoption? In case of single prospective adoptive parent, please mention about family support system.

(iii) Do you think that prospective adoptive parents have expressed their genuine feeling for parenting?

(iv) Do you want to refer the prospective adoptive parents for further counselling for their preparedness?
Yes or No

2.2 Home visit findings:

(i) When did you visit the home of the prospective adoptive parents? Who were the members present during your visit?

(ii) Whom did you interact during the home visit?

(iii) Have you met any neighbour or relative? Give a detailed description about the interaction?

(iv) Whether the home environment is conducive for the child? If no, what steps can be taken to improve the situation? Have you advised the prospective adoptive parents?

(v) Did the prospective adoptive parents have any doubt about parenting issues or any other issues? Have you cleared their doubts?

(vi) Are the prospective adoptive parents well prepared for adoption?

(vii) Do you think that prospective adoptive parents have expressed their genuineness during the interaction?

2.3 Interaction with the family members:

(i) Have you interacted with other family members of the prospective adoptive parents? What is their opinion about the proposed adoption? Are they positive about the adoption?

(ii) Are there any other family member(s) whom you could not interact but they might have a larger role in the proposed adoption? If so, how did you do their assessment? Did you take their views subsequently?

(iii) Have you interacted with older child(ren) present in the home of the prospective adoptive parents? Are they positive about the adoption? If yes, have they provided their consent? Yes or No.

(iv) Have you noticed any adverse remarks from the family members? If so, how far those remarks may have an impact on the adoption process?

2.4 Financial capacity:

(i) What is your opinion about the financial status of the prospective adoptive parents? Are they financially sound to welcome another member into their family?

(ii) Have you observed any financial situation which is not disclosed in Part-I?

2.5 Physical and emotional capacity:

(i) Are the prospective adoptive parents in a good physical and emotional state to take care of a child?

(ii) Have you observed any physical or psychological issues with the prospective adoptive parents or any other family member that is going to affect the life of the upcoming child? If so, give details.

(iii) Provide details of number of rooms in the house and if there is adequate space for the child to

be supported.

(iv) Are the prospective adoptive parents emotionally equipped enough to take care of a child?

3. Views and readiness of the prospective adoptive parents on sharing the fact of adoption with the adopted child and the Root Search.

4. As per your assessment do the prospective adoptive parents meet the criteria for adoption of the child in their expected age criteria? Yes or No

In case No, the reason(s) for the same

5. Recommendation for adoption.

(i) Do you recommend the prospective adoptive parents for adoption? Put your views and rationale for recommending the prospective adoptive parents for adoption including the parent's suitability. (Attach additional sheets, if required)

(ii) In case you do not recommend the prospective adoptive parents for adoption, appropriate reasons for taking such decision must be given in detail.

(iii) Documents which have been posted on the Designated Portal by the prospective adoptive parents have been duly verified.

Name of Social Worker

Signature of Social Worker

Name of Agency or District Child Protection Unit

Signature and Seal of chief functionary of the Specialised Adoption Agency or District Child Protection Unit

SCHEDULE VIII

[See regulations 12(1) and 17(2)]

PRE-ADPTION FOSTER CARE UNDERTAKING

(IN THE FORM OF AN AFFIDAVIT)

I or We, Mr. ……, aged……. Years, citizen of …… and Mrs ……., aged …… years, citizen of ……..., permanently residing at …….. present address being …….. proposed Adopter(s) of child ……. (new full name) @ ……. (old name) born on …….. presently in the care of …… (name and address of the Specialised Adoption Agency), do solemnly hereby declare as follows:-

1. I or We are taking the above mentioned child in pre-adoption foster care, pending the adoption order by the District Magistrate.
2. I or We understand that until the final adoption order from the District Magistrate concerned is received, the said child shall be under the authority and guardianship of _____(name of Specialised Adoption Agency) and we shall only remain the foster parents of the child.
3. The child placed with me or us shall be given all necessary education, medical care, attention, nutrition and treatment required.
4. In case of any untoward incident with the child, I or we shall report the same to the Specialised Adoption Agency immediately.
5. The institution shall be kept informed about the development of the child once a month till the final adoption order is issued by the District Magistrate.
6. I or We shall attend to the Adoption hearing before the District Magistrate as and when asked to do so.
7. I or We undertake to bring-up the child or children as my or our own.

8. I or We shall allow the authorised social worker or functionary of the Specialised Adoption Agency or District Child Protection Unit or State Adoption Resource Agency to visit our home for undertaking post- adoption follow up to ascertain the progress and well-being of the child or children in my or our family.

9. I or We further undertake to inform any change of place of our residence (other than as stated in this application), to the Specialised Adoption Agency, District Child Protection Unit and the State Adoption Resource Agency concerned for the purpose of post adoption follow-up.

Mr . ……	Ms . ……
Prospective Adoptive Father	Prospective Adoptive Mother
Date:	Date:
Witness:	Witness:
Name:	Name:
Signature:	Signature:
Address:	Address:

SCHEDULE IX

[See regulations 11(6), 12(2), 13(1), 16(14), 38(16), 59(4) and 59(5)]

LIST OF DOCUMENTS (ATTESTED OR NOTARIASED) TO BE FILED IN THE OFFICE OF DISTRICT MAGISTRATE

1. In-country Adoption of Orphan, Abandoned and Surrendered children

All prospective adoptive parents related documents to be obtained by the Specialised Adoption Agency as indicated in the **Schedule VI** of the Adoption Regulations.

All child related documents to be arranged by the Specialised Adoption Agency:-

1.Child Study Report signed by the prospective adoptive parents along with recent photograph of the child.

2.Medical Examination Report of the child signed by the prospective adoptive parents.

3.Certificate of Child Welfare Committee declaring the child 'legally free for adoption'.

4.Home Study Report of the prospective adoptive parents along with their recent family photograph.

5.Recognition certificate of the agency as Specialised Adoption Agency.

6.Consent of the older child or children to be adopted.

7.Decision of the Adoption Committee (only in case of In-country adoption).

8.Affidavit by the Chief Functionary of the Specialised Adoption Agency in support of adoption of child.

9.Pre-adoption foster care affidavit.(wherever required)

2. Adoption of Orphan, Abandoned and Surrendered children by non- resident Indian or Overseas Citizen of India Cardholder or Foreign prospective adoptive parents residing in a foreign country

All prospective adoptive parents related documents are to be obtained by the Specialised Adoption Agency from the Authorised Foreign Adoption Agency or Central Authority or Government department concerned or Indian Mission abroad as indicated in the **Schedule VI** of the Adoption Regulations including the Power of Attorney in favour of the authorised functionary of the Specialised Adoption Agency to file the adoption application on their behalf before the District Magistrate.

All child related documents to be arranged by the Specialised Adoption Agency:-

1. Child Study Report signed by the prospective adoptive parents along with recent photograph of the child.
2. Medical Examination Report of the child signed by the prospective adoptive parents.
3. Certificate of Child Welfare Committee declaring the child 'legally free for adoption'.
4. Recognition certificate of the agency as Specialised Adoption Agency
5. Consent of the older child or children to be adopted
6. Affidavit by the Chief Functionary of the Specialised Adoption Agency in support of adoption of child.
7. Pre-adoption foster care affidavit (wherever required)
8. No Objection Certificate issued by Central Adoption Resource Authority
9. In case of Overseas Citizen of India Cardholder or Foreign prospective adoptive parents living in India, a copy of **No Objection Certificate** from their Embassy or High Commission for the proposed adoption shall be required.

3. Inter-country Relative Adoption

The prospective adoptive parents shall file the adoption application alongwith documents (as indicated in the **Schedule VI** of the Adoption Regulations) and Pre-approval letter issued by Central Adoption Resource Authority before the District Magistrate concerned through their power of attorney, where the child resides with the biological parents or guardians. The concerned District Child Protection Unit shall be approached to take up the matter with the District Magistrate.

4. In-country Relative Adoption

The prospective adoptive parents shall file the adoption application alongwith documents (as indicated in the **Schedule VI** of the Adoption Regulations) and pre-approval letter (**Schedule XXV**) before the District Magistrate concerned, where the child resides with biological parents or guardians. The concerned District Child Protection Unit shall be approached to take up the matter with the District Magistrate.

5. Step-child Adoption

The prospective adoptive parents shall file the adoption application alongwith documents (as indicated in the **Schedule VI** of the Adoption Regulations) and pre-approval letter (**Schedule XXV**) before the District Magistrate concerned, where the child resides with biological parents or guardians. The concerned District Child Protection Unit shall be approached to take up the matter with the District Magistrate.

NOTE: Only the above mentioned list of certificates or documents as applicable are required to be filed. Infertility certificate is NOT required in any case of adoption.

SCHEDULE X

[See regulation 17(1)]

CENTRAL ADOPTION RESOURCE AUTHORITY

(A Statutory Body of Ministry of Women and Child Development)

Certificate Number: Date:

NO OBJECTION CERTIFICATE

Photograph of the child	Photograph of the prospective adoptive parents

Certified that the Central Adoption Resource Authority, the Central Authority of India on adoption

matters, under the Ministry of Women and Child Development, Government of India, has 'NO OBJECTION' to the adoption of the child or children with the prospective adoptive parents as per the details mentioned below:-

S. No.	Name of the child	Sex of Child	Date of Birth	Name and Address of the prospective adoptive parents

2.This No Objection Certificate is issued as per Adoption Regulations, 2022 and Article 17 (c) of the Hague Convention on the Protection of Children and Cooperation in respect of inter-country Adoption, 1993.

3.The Specialised Adoption Agency and the Authorised Foreign Adoption Agency or Central Authority or concerned Foreign Government department or Indian Diplomatic Mission have been authorised to process this adoption case.

4.The Specialised Adoption Agency shall file the adoption application before the District Magistrate concerned.

Signature and Seal of Authorised Signatory

To:

(1) Name and address of the Specialised Adoption Agency.
(2) Name and address of the State Adoption Resource Agency or concerned State Government department.
(3) Name and address of District Magistrate.
(4) Name and address of Authorised Foreign Adoption Agency or concerned Foreign Government department or Indian Diplomatic Mission.
(5) Diplomatic Mission of the Receiving Country in India.
(6) Central Authority of the Receiving Country
(7) Foreigner's Regional Registration Officer

SCHEDULE XI

[See regulation 19(1), 60]

CENTRAL ADOPTION RESOURCE AUTHORITY

Certificate Number: Date:

CONFORMITY CERTIFICATE

(Under Article 23 of the Hague Convention on Protection of Children and Co-operation in respect of inter-country Adoption, 1993)

Photograph of the child	Photograph of the prospective adoptive parents

1. The undersigned authority:

(Name and address of the competent authority of the State of adoption)

……
……

2. Hereby certifies that the child:

Family name:

First name(s):

Sex: Male [ ] Female [ ]

Date of birth: day( )month( )year( )

Place of birth:

Habitual residence:

3. Was adopted according to the decision of the following Authority:

Date of the decision:

Date at which the decision became final:

(If the adoption was made otherwise than by a decision of an authority, please specify the equivalent details)

4. By the following person(s):

(a) Family name of the adoptive father:

First name(s):

Date of birth: day ( ) month ( ) year ( )

Place of birth:

Habitual residence at the time of the adoption:

(b) Family name of the adoptive mother:

First name(s):

Date of birth: day( )month( )year( )

Place of birth:

Habitual residence at the time of the adoption:

5. The undersigned Authority certifies that the adoption was made in accordance with the Convention and that the agreements under Article 17, sub-paragraph c, were given by:

(a) Name and address of the Central Authority of the State of origin

……
……
……...Date of the agreement: ……

(b) Name and address of the Central Authority of the receiving State:

……
……
……Date of the agreement: ……

6. The adoption had the effect of terminating the pre-existing legal parent- child relationship. ☐

Or

The adoption did not have the effect of terminating the pre-existing legal parent-child relationship. ☐

Signature and Seal of Authorised Signatory

To:

(1) Name and address of the Specialised Adoption Agency.

(2) Name and address of the State Adoption Resource Agency or State Government concerned department.

(3) Name and address of Regional Passport Office.

(4) Name and address of Authorised Foreign Adoption Agency or concerned Foreign Government department or Indian Diplomatic Mission.

(5) Diplomatic Mission of the Receiving Country in India.

(6) Central Authority of the Receiving Country.

(7) Foreigner's Regional Registration Officer.

SCHEDULE XII

[See Regulations 14(1), 20(1) and 21(5)]

POST-ADOPTION FOLLOW-UP REPORT OF THE CHILD

Report No: Date:

Photograph of the child and the prospective adoptive parents

[First post-adoption follow-up report to be completed within three months of the pre adoption foster care and thereafter on half-yearly basis in case of In-country adoption]

I post-adoption follow-up report	II post-adoption follow-up report	III post-adoption follow-up report	IV post-adoption follow-up report
Date	Date	Date	Date

*In cases of adoption by non- resident Indian, Overseas Citizens of India Cardholder and foreign adoptive parents habitually residing abroad, there shall be six follow up reports on a quarterly basis during the first year and on six monthly basis in the second year.

1. Identifying Information:

(a) Child's Name (initial and given. If any):

(b) Surname or family name:

(c) Child's date of birth:

2. Contact Details of the Adoptive Parents:

3. Child's Adjustment:

(a) **Current height and weight**

(b) **Results of physical examinations or doctor visits**

(c) **Eating and sleeping habits**

(d) **Emotional, physical and social development**

(e) **Attachment of family members**

(f) **Child's enrolment in school (if applicable)**

(g) **Language(s)spoken (if applicable)**

4. Adjustment Between Adoptive Family and The Child:

5. Significant Changes In Family Structure or Dynamics, If Any:
(Change of residence, employment, work responsibilities, illness etc.)

6. Observations And Recommendations of Social Worker

(Signature)
Social Worker's Name:
Agency Name and Date:

Note: *Online updating of post-adoption follow-up report is mandatory.*

SCHEDULE XIII

[See regulations 25(1) (f)]

STANDARDS OF CHILD CARE IN SPECIALISED ADOPTION AGENCIES

1. The agencies are required to ensure that the following facilities are provided to the children in the institution:

(a) Physical facilities:

i. Physical surroundings in which the children are cared for must be clean. Sanitation and hygiene maintained at the agency must be adequate since a majority of children at the institution are small and suffer from numerous ailments. Children below the age of one year should be in a room with an attached bathing room and milk room. Children between the age of one to three years should be kept in a room with an attached bathing and bathroom. The older children need to be separated into two boy's room and girl's room. Each room must have attached baths, and toilets.

ii. There should be a separate washing area and a large kitchen and dining hall for the older children. Good lighting, ventilation and adequate space must be mandatory.

iii. The home should be neat, clean, particularly bathrooms, toilets and kitchen. Walls and surroundings must be bright and stimulating. For visual stimulation the rooms should be well painted and decorated with toys, animal cut outs, etc.

(b) Medical facilities:

Regular medical inspection must be done, preferably every alternate day by a registered medical practitioner. The child specialist is best trained to diagnose and treat children who are at risk and highly vulnerable.

i. Infants and children on admission to institutions should be in quarantine and observation for a week at least.

ii. Weight, height and head circumference may be noted along with any other details available on the child at admission.

iii. A medical record should be maintained and a doctor must assess the child as soon as possible, preferably within twenty-four hours of their admission.

iv. Each child below the age of six months should be photographed every month, from six months to three years every three months and thereafter, every six months.

v. Immunisation should be regularly given and monitored.

vi. Emergency kits should be available at all times in the Home and there should be a doctor on call.

vii. General health measures viz hygiene, dental, skin care and diet to be supervised.

viii. Stimulation is very important for the proper development of the child. This could be achieved by increasing awareness amongst the nurses, helpers by introducing simple stimulation techniques in the daily routine. It is also advised to have a physiotherapist visit the children on a regular basis.

(c) Staff:

i. The agency must have adequate staff for child care, preferably in the ratio of 4:1 for children below one year, 5:1 for children in the age group one to three years and 8:1 for older children.

ii. Adoption Homes need personnel who are sensitised to the issues of the children. They need to be "educated" in caring for the children. It is recommended to conduct workshops for nurses, helpers, care takers and other staff to enable them to recognize the special status of these children who are under their care.

iii. As committed staff is an integral part of good child care, the motivational levels of the staff should be kept high.

iv. Staff to be immunised as well.

(d) Clothing: It is important that the children in a home are dressed in clean, comfortable and well-kept clothes at all times, not just during the visit of the adoptive parents**.**

(e) Food: The food in the institution should be hygienically cooked, nourishing and tasty. The menu should be varied. The need of children on a special diet should be attended to. This shall help overcome the problems of malnutrition faced by children entering a home. Feeding charts with indication of the formulas may be displayed and followed.

(f) Education: The Specialised Adoption Agency should be able to provide informal education through a qualified teacher, and a special educator, or tie up with a school that shall take the child or children on a temporary basis.

2. While providing child care, the following issues are important:

(a) A child's neurological growth is complete within the first few years of their early childhood and determines the brain's capabilities throughout the rest of their life. Moreover, a child needs to have experienced secure attachment by the age of 3 in order to develop cognitively, physically, socially, and emotionally. Hence, every effort shall be made by the Specialised Adoption Agency to expeditiously find alternate family for such children so that they develop secure attachment and proper bonding experiences during infancy itself.

(b) It is very essential to talk, hug, hold, play, tell stories and sing to the child to give it a sense of security. Though this should be done regularly by the staff, it is also advisable to encourage volunteers to take up this activity.

(c) Quality child care (early childhood care) means providing adequate health care, immunisation, feeding and nutrition, creating a safe environment so that infants and young children can play and socialize with their peers, promoting school readiness and preparing children for primary school and focusing on total development during early years of childhood.

(d) It should be ensured that there is no instance of child abuse and neglect while the child is in the institution.

Note: All adoption agencies shall adhere to the standards of child care prescribed under the Juvenile Justice (Care and Protection of Children) Model Rules, 2022.

SCHEDULE XIV

[See regulation 46 and 50]

TIMELINE FOR AUTHORITIES AND AGENCIES CONCERNED

A. Timeline for the processes relating to children:

S.No.	Regulations	Action	Time
1.	6(2)	Child Care Institution or Specialised Adoption Agency to produce an abandoned child before the Child Welfare Committee along with a report containing their photograph and particulars.	Within twenty four hours (excluding journey period).
2.	6(5) and 7(10)	Specialised Adoption Agency to enter the details of the child along with their photograph online on the Designated Portal.	Within three days from the time of receiving the child.
3.	6(7)	District Child Protection Unit to advertise the particulars and photograph of an abandoned child in a national level newspaper having wide circulation, local cable networks, wherever existing and also ensure entry of data in the Track Child portal or *KhoyaPaya.*	Within three days from the time of receiving the child.
4.	6(9)	District Child Protection Unit to submit a report to the Child Welfare Committee on the efforts made by it for tracing out the biological parents or legal guardian of an abandoned child, including the outcome of the advertisement.	Within thirty days from the date of production of the child before the Child Welfare Committee for the same.
5.	6(10)	Specialised Adoption Agency or Child Care Institution to submit a report to the Child Welfare Committee about any information revealed by the child during their short term placement and details of persons whosoever approached for claiming the child, if any.	Immediately after thirty days from the date of production of the child before the Child Welfare Committee.
6.	6(13)	Declaring the orphan or abandoned Child legally free for adoption by Child welfare Committee.	Within a period of three days after the expiry of two or four months, from the date of production of the child before the Child Welfare Committee, in case of a child upto two or above two years of age respectively.
8	6(15),7(18),30(1)(e)(f),and 38(2)	Specialised Adoption Agency to upload the Child Study Report and Medical Examination Report along with latest photograph of the child.	Within ten days from the date of declaration of the child as legally free for adoption by Child Welfare Committee.
9	7(3)	Signing of surrender deed by the biological parents	On the day of production of the child.
10	7(10)	Details of the surrendered child or children to be uploaded on the	Within three days from the time of receiving the child.

		Designated Portal by the Specialised Adoption Agency.	
11	7(11) and 7(16)	The reconsideration period or reclaiming of the surrendered child by the biological parent or legal guardian.	Sixty days of the date of surrender.
12	30(1)(d)	Specialised Adoption Agency shall upload the certificate, issued by the Child Welfare Committee, declaring the child legally free for adoption onthe Designated Portal.	Within forty-eight hours from the receipt of such certificate.
13	36(8)	In cases of children having health issues or suspected special needs conditions, the District Magistrate shall refer the child to the Chief Medical Officer of the District.	Within twenty four hours as soon as information about such children is received from the Specialised Adoption Agency or Child Care Institution with the help of the District Child Protection Unit concerned.
14.	36(9) and 37	The Chief Medical Officer shall examine the health status of the child and assess whether the child is having any ailment or special needs.	Within a period of fifteen days from the date of receiving the case.

B. Timeline for Adoption by resident Indians as well as Overseas Citizens of India Cardholder or Foreigners living in India:

S. No.	Regulations	Action	Time
1.	10 (1)	The prospective adoptive parents should upload documents after their registration.	Within a stipulated period of thirty days.
2.	10(8),30(3)(d) and 38(14)	Home Study Report of the prospective adoptive parents to be completed by the social worker.	Within sixty days from the date of submission of required documents on the Designated Portal.
3.	10(9)	Uploading of Home study Report on the Designated Portal by the Specialised Adoption Agency.	Within three days from the date of completion of the Home Study Report.
4.	11(3) and 21(3)	Prospective adoptive parents to reserve one child.	Within forty-eight hours from the date and time of referral.
5.	11(9)	Process of matching of the reserved child by the Specialised Adoption Agency and acceptance by prospective adoptive parents.	Within thirty days from the date of reserving the child.
6.	12 (1)	Child to be taken in pre-adoption foster care.	Within ten days from the date of matching after signing the pre-adoption foster car undertaking.
7.	30(5)(a) and 18(2)	Specialised Adoption Agency to submit application to District Child Protection Unit for scrutiny.	Within five days from the date of matching of the child by the prospective adoptive parents.

8.	18(2), 30(5)(a) and 38(16)	District Child Protection Unit to submit the application along with the requisite documents to District Magistrate after scrutiny.	Within five days of receiving the application from Specialised Adoption Agency.
9.	13(6),18(1) and 36(2)	Disposal of the adoption application by the District Magistrate.	Within sixty days of receiving the Adoption application.
10.	13(8)	Forwarding the certified copy of adoption order to Prospective adoptive parents obtained by Specialised Adoption Agency.	Within ten days from the issuance of the adoption order.
11.	13(9)	Specialised Adoption Agency shall apply for the birth certificate of the child.	Within five days from the date of issuance of the adoption order.
12.	13(9),19(5) and 40	Birth certificate issuing Authority shall issue the certificate based on the adoption order and other requisite documents.	Within five days of receiving the application from the concerned Specialised Adoption Agency.
13.	14(1) and14(3)	Specialised Adoption Agency or District Child Protection Unit shall prepare post-adoption follow-up report.	Within ten days from the conduction of post-adoption follow up report.
14.	62 (2)	Appeal in case of in-country adoption to State Adoption Resource Agency.	Within seven days from the date of opinion or decision.
15.	62(3)	Redressal of the grievance or complaint by State Adoption Resource Agency.	Within fifteen days from the receipt of application.
16.	62(5)	Appeal to Central Adoption Resource Authority in case the aggrieved is unable to get suitable response within the stipulated period of fifteen days from State Adoption Resource Agency.	Within forty-eight hours of receiving the response from the State Adoption Resource Authority.
17.	62(5)	Redressal of the grievance or complaint by Central Adoption Resource Authority.	Within fifteen days from the date of receipt of the application.

C. Timeline for Adoption from India by non- resident Indian or Overseas Citizen of India Cardholder or Foreign prospective adoptive parents not living in India:

S. No.	Regulations	Action	Time
1.	16(7)	Reservation of a child or children by the prospective adoptive parents from the Designated Portal through the Authorised Foreign Adoption Agency or Central Authority or Government department or Indian Mission.	Within ninety-six hours of getting the referral.
2.	16(10)	Acceptance of the child by the prospective adoptive parents.	Within thirty days of reserving the child.

S. No.	Regulations	Action	Time
3.	17(1) and 58	No Objection Certificate by Central Adoption Resource Authority.	Within ten days from the date of receipt of requisite documents including acceptance of the child by the prospective adoptive parents and approval of the Central Authority wherever required.
4.	19(1) and 60	Central Adoption Resource Authority shall issue conformity certificate under Article 23 of the Hague Adoption Convention.	Within three days from the date of availability of adoption order.
5.	19(3)	To obtain Indian passport for the adopted child, the Specialised Adoption Agency shall submit the application to the Regional Passport Officer.	Within three days from the date of receipt of the adoption order.
6.	19(4) and 42	The Regional Passport office shall issue passport for the adopted child.	Within ten days from the date of receipt of application, in accordance with the circulars regarding issuance of passport to inter-country adopted children, issued by the Ministry of External Affairs of the Central Government from time to time.

SCHEDULE XV

[See regulation 25(1)(e), 29(1), 49(1)]

ADOPTION FEES AND THEIR UTILISATION BY SPECIALISED ADOPTION AGENCIES OR CHILD CARE INSTITUTIONS

1.In-Country Adoption (Fees etc.): Applicable in cases of adoptions processed under the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 for resident Indians or Overseas Citizens of India Cardholder or Foreigners habitually residing in India.

a)	Home Study Report (HSR) or Family Background Report of the prospective adoptive parents in India by social worker.	Rs. 6,000/ (inclusive of travel expenses)
b)	Adoption Fee, for the purpose of preparing the Child Study Report, Medical Examination Report, child care and maintenance, and other administrative costs.	Rs. 50,000/*
c)	Post-adoption follow-up visits and counselling (four times within a period of two years).	Rs. 2,000/ per visit or report (inclusive of travel expenses)
d)	Revalidation of Home Study Report wherever required.	Rs. 2,000or- per visit or report (inclusive of travel expenses)

*In cases of In-country adoptions, the adoption fees in cases of siblings have been prescribed as Rs.10,000/ per additional child.

2. Inter-Country Adoption (Fees etc.): Applicable in cases of adoptions processed under the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 for non- resident Indians or Overseas Citizen of India Card holders or Foreigners habitually residing in a foreign country.

a) Home Study Report of the prospective adoptive parents by the authorised social worker.	As per the norms of the receiving country.
b) Adoption Fee, for the purpose of preparing the Child Study Report, Medical Examination Report, child care and maintenance, and other administrative costs.	5,000 US $**
c) Post-adoption follow-up visits and counselling (Six times within a period of two years)	As per the norms of the receiving country.

**In cases of Inter-country adoptions, the adoption fees in cases of siblings have been prescribed as US$ 1000 per additional child.

In case of inter-country adoption of a child with normal health conditions, the adoption fee shall be as that of in-country adoption.

3. Standard Utilisation Pattern

All specialised adoption agencies shall adhere to the following standard utilisation pattern for fees received for conducting of home study, adoption fee and post-adoption follow-up:

(a) All cost for conduct of medical tests and treatment of children including getting the Medical Examination Report prepared as prescribed in the standardised Government hospital rates fixed by respective state authorities;

(b) Expenditure in obtaining birth certificates of children;

(c) Expenditure in obtaining passports of the children;

(d) Counselling of older children not exceeding five percent of the total amount received during the financial year;

(e) Cognitive development of children which includes brain development, development of knowledge, skills, problem solving and dispositions, which help children to think about and understand the world around them not exceeding 10% of the total amount received during the financial year (Toy and teaching – Learning material for Children etc.);

(f) Medical Insurance covers for the children living in Specialised Adoption Agency or Child Care Institution till they are placed in adoption;

(g) Medical emergency as per actual bill on case to case basis;

(h) Child care and maintenance of such children who do not get support from the government under Mission Vatsalya Child Protection Scheme or through any other sources;

(i) Physiotherapy facilities for the children.

4. The Specialised Adoption Agencies or linked Child Care Institutions shall utilize the amounts received as adoption fee only for the welfare of children in the respective homes and shall utilise the funds as drawn above and maintain details of accounts during each financial year and the unspent balance can be credited to the next financial year.

5. As per Regulation 26(2) of Adoption Regulations 2022, misuse or diversion of adoption fee or grant received from the Government can be one of the grounds for suspension of recognition of a Specialised Adoption Agency.

6. The Specialised Adoption Agencies or Child Care Institutions should maintain proper accounts including the utilisation of adoption fee and government grant under other government notified schemes to be audited by a chartered accountant as per regulation 29(2) of Adoption Regulations - 2022. Further, all expenditure incurred should be supported by bills and vouchers and the same should be audited by a Chartered Accountant without fail.

7. In case of Government run Specialised Adoption Agency, approval at appropriate level shall be taken for utilizing such funds for the welfare of children.

8. In case an agency is de-recognised, and a decision is taken by the State Government to shift the children of that agency to another agency or agencies, then the balance available in the adoption fee account shall be transferred to such agency or agencies receiving the children in the ratio of the number of children transferred.

9. The Specialised Adoption Agency shall maintain a separate bank account for the adoption fees received along with separate record or register of receipts or payments or expenditure or accounts and the account should be audited at the end of the financial year by a Chartered Accountant who shall certify that the fees have been used as stipulated in para 3 above.

10. Where a Specialised Adoption Agency has processed the adoption case of a child belonging to another Child Care Institution, the Specialised Adoption Agency shall obtain the bank account details of the Child Care Institution concerned and provide the same to the Authorised Foreign Adoption Agency or prospective adoptive parents concerned, as the case may be, to pay fifty percent of the adoption fee via electronic transfer to the concerned Child Care Institution and in such cases, the Child Care Institution is also required to follow the same pattern of utilisation of the adoption fees excluding those that are not applicable.
11. Those agencies that have not received grants under the Mission Vatsalya Child Protection Scheme may utilise the funds solely for child care and under the aforementioned heads.

SCHEDULE XVI

[See regulation 53(2)]

FOSTER CARE ADOPTION

(1) Children available for family foster care and later adopted by the foster parents.—

(a) **Category-1:** Children legally free for adoption who do not get a family either in in-country adoption or in inter-country adoption as stipulated in rule 44 of the Juvenile Justice Rules 2022 and Guidelines on Foster Care notified by the Government from time to time.

(b) **Category-2:** Hard to place children also called children available for immediate placement as provided in clause (13) of regulation 2 of the Adoption Regulations 2022, who do not get a family either in in-country adoption or in inter-country adoption after they are declared legally free for adoption by Child Welfare Committee.

(2) Eligibility of foster parents.—

(a) The prospective foster parents shall be physically, mentally, emotionally and financially capable, and they shall not have any life threatening medical condition and they should not have been convicted in criminal act of any nature or accused in any case of child rights violation.

(b) The prospective foster parents should also be eligible as per criteria mentioned in the Juvenile Justice Rules 2022 and Foster Care Guidelines notified by the Government from time to time.

(3) Procedure to be followed.—

(a) The prospective foster parents shall register in the Designated Portal and the District Child Protection Unit shall ascertain their suitability as required.

(b) The District Child Protection Unit shall complete matching of the child with the prospective foster parents and while selecting foster care givers, priority shall be given to extended family relations followed by neighbourhood care and group foster care.

(c) The child shall be placed in foster care with the foster parents in the same socio-cultural milieu keeping in view the interest of the child.

(d) In case the foster parents wish to adopt the particular child or children, the same can be permitted after a period of two years and in such case, the foster parents have to register online in the designated portal for adoption subject to satisfactory follow-up reports.

(4) Procedure in other cases.—

(a) In cases, where a child is not legally free and has been placed with a foster family for temporary period following due procedure, such foster family can adopt the particular child provided the child attains the legally free status followed by satisfactory follow-up reports for a period of at least two years.

(b) Further the State Adoption Resource Agency with the help of the District Child Protection Unit concerned shall upload the relevant information in the Designated Portal.

SCHEDULE XVII

[See regulation 41(17)]

Support Letter for Regional Passport Officer in case of in-country adoption

This is to certify that Mr. _____ and Mrs._____ (Registration No. on the Designated Portal----------), have undertaken a valid In-country adoption of child _____ (Male or Female or Other), _____ (Date of birth) through Central Adoption Resource Authority via adoption order no. _____ dated _____ issued by the District Magistrate_____ (name of the District) under Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

2. As per section 63 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, "A child in respect of whom an adoption order is issued by the District Magistrate, shall become the child of the adoptive parents, and the adoptive parents shall become the parents of the child as if the child had been born to the adoptive parents, for all purposes, including intestacy, with effect from the date on which the adoption order takes effect", which is applicable in this case.

3. It is further intimated that the adoptions under Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 and Adoption Regulations, 2022, provide the mandatory follow ups of the adopted child for the duration of two years from the date of pre-adoption foster care. So far, in the instant case _____ post adoption follow up report(s) have been completed till _____ and _____ are remaining. In case adoptive parents desire to relocate abroad permanently or for long duration (over three months) the balance of the post adoption follow ups shall be conducted by Indian Diplomatic Mission concerned through the professional social worker. The onus of getting the balance of post adoption follow up is with the adoptive parents through the professional social worker as identified by the Indian Diplomatic Mission or the Authority. (**Copy of undertaking by adoptive parents attached**).

4. The above support letter is being issued for the purpose of getting the passport issued for the child with the approval of the competent authority based on the request received from _____(name of the adoptive parents).

Yours faithfully,

Assistant Director, CARA

To

(Prospective Adoptive Parents)

Email: _____

Copy to

RPO_____

Email: _____

Undertaking by PAPs to complete Follow Up Procedure

I or We, the adoptive parents _____ _____having_____ as Registration Number on the Designated Portal) have adopted the child _____(name of the child or children) from the Specialised Adoption Agency_____ on _____, do hereby declare that, I or We am or are travelling to _____ for the time period of _____from _____to _____ with our family.

It is hereby declared that the onus of getting the balance of post adoption follow up shall be ours through the professional social worker as identified by the Indian Diplomatic Mission (Address of IDM concerned) or the Authority_____

(Adoptive Father) (Adoptive Mother)

Dated: _____

SCHEDULE XVIII

[See regulations 2 (25), 8 (2), 36(9), 37, 51(4)]

CLASSIFICATION OF SPECIAL NEEDS CHILDREN FOR THE PURPOSE OF ADOPTION [TO BE CONSIDERED AS PER THE SCHEDULE PROVIDED IN THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 AND AS PER PART E OF THE SCHEDULE-III]

1. Physical disability

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including.—

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from—

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which prevents him or her from undertaking any gainful occupation, and the expression —leprosy cured shall construed accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10inches (147 centimeters) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B. Visual impairment

(a) "blindness" means a condition where a person has any of the following conditions,after best correction—

(i) total absence of sight; or

(ii) visual acuity less than 3or60 or less than 10or200 (Snellen) in the better eyewith best possible correction; or

(iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means a condition where a person has any of the following conditions,namely:—

(i) visual acuity not exceeding 6or18 or less than 20or60 upto 3or60 or upto 10 or 200 (Snellen) in the better eye with best possible corrections; or

(ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10degree.

C. Hearing impairment—

(a) "deaf" means persons having 70 DB hearing loss in speech frequencies in bothears;

(b) "hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

D. "Speech and language disability" means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including—

(a) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and include such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours.

3. Mental behaviour

"Mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a conditon of arrested or incomplete development of mind of a person, specially characterised by sub normality of intelligence.

(a) Disability caused due to chronic neurological conditions, such as—

(i) "multiple sclerosis" means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) "parkinson's disease" means a progressive disease of the nervous system markedby tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) Blood disorder—

(i) "haemophilia" means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairmentof the normal clotting ability of blood so that a minor wound may result in fatal bleeding;

(ii) "thalassemia" means a group of inherited disorders characterised by reduced absent amounts of haemoglobin;

(iii) "sickle cell disease" means a haemolytic disorder characterised by chronic anaemia, painful events, and various complications due to associated tissue and organ damage; "haemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of haemoglobin.

4. Multiple Disabilities (more than one of the above specified disabilities) including deafblindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

5. Any other category as may be notified by the Central Government.

6. Exact nature of special needs of the child concerned to be examined by the Chief Medical Officer of the District in the light of Schedule III (Part E)

SCHEDULE XIX

[See regulations 54(2)]

CONSENT FOR THE PURPOSE OF IN-COUNTRY RELATIVE ADOPTION

A. I or We the undersigned have read the following statements carefully and I or we haveinformation about the effects of my or our consent and I or we am or are making the statement without coercion or threat and without receiving any payment or compensation of any kind.

Biological Father	**Biological Mother**
Family name: First name: Date of birth: day ( ) month ( ) year ( ) Permanent Address:	Family name: First name: Date of birth: day ( ) month ( ) year ( ) Permanent Address:

I or We

(i) hereby terminate the natural relationship with the child.

(ii) understand that the adoption of this child shall create a permanent and legal parent-child relationship with the adoptive parents.

(iii) certify that the child has given their consent for the said adoption and willing to accept to relative as adoptive parents (wherever applicable).

(iv) certify that our consent has not been induced by payment or compensationof any kind.

(v) agree to place our child or children in adoption with our relative falling under the definition of section 2(52) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

Family name of the child:
First name(s):
Gender: male[ ] female[ ] Other[ ]Date of birth: day( ) month ( ) year( )
Place of birth:
Address:

I or We declare that I or we have fully understood the above statements.

Signed at .....on.....

(Signature or Thumb Impression of the biological parents)

Biological Father **Biological Mother**

Note: Death Certificate of the biological parent to be attached in case he or she isnot alive.

B. Consent of the child, if he has completed five years of age

Countersigned by Biological Parents

C. Prospective adoptive parents adopting the Child or Children

Adoptive Father	**Adoptive Mother**
Family name: First name: Date of birth: day ( ) month ( ) year ( )Permanent Address: Pre-adoption relationship with the child:	Family name: First name: Date of birth: day ( ) month ( ) year ( ) Permanent Address: Pre-adoption relationship with the child:

I or We, the undersigned:

(i) give my or our consent to adopt the child or children mentioned at part A above, out of my or our freewill.

(ii) understand that the adoption of the child or children shall create a permanent and legal parent-child relationship with me or us with all the rights and duties associated with such relationship.

(iii) Declare that I or we have fully understood the above statements.

Signed at .....on.....

(Signature or Thumb Impression of the prospective adoptive parents)

Adoptive Father **Adoptive Mother**

Photograph of biological parents	Photograph of prospectiveadoptive parents

D. Declaration by Witnesses

I or We the undersigned have witnessed the above.

(a) Signature, Name and Address of the first Witness with Identity Document proof

(b) Signature, Name and Address of the second Witness with Identity Document proof

Signed at ..... on .....

(Photographs of the child or children to be adopted, the biological parents or guardians and the witnesses are required to be pasted and attested in front.)

E. Certification of Child Welfare Committee.

Based on the above consents and supporting documents including the family tree, the Child Welfare Committee ..... (name of the District) hereby confirms it to be a case of relative adoption.

Signed at..... On .....

Seal of Child Welfare Committee

Signature of three members of Child Welfare Committee

SCHEDULE XX

[See regulations 7(22), 55(2), and 55(9)]

CONSENT OF BIOLOGICAL PARENTS ALONG WITH STEP-PARENT TO OBTAIN THE PERMISSION OF CHILD WELFARE COMMITTEE FOR ADOPTION OF CHILD OR CHILDREN BY BIOLOGICAL PARENT AND THE STEP-PARENT

A. I or We the undersigned

Biological Father	**Biological Mother**
Family name: First name: Date of birth: day ( ) month ( ) year ( ) Permanent Address:	Family name: First name: Date of birth: day ( ) month () year ( ) Permanent Address:

(i) hereby relinquish or surrender my or our natural right or claim with my or our child or children.....(name, gender, date of birth).

(ii) understand that the adoption of this child shall create a permanent andlegal parent-child relationship with the step-parent & the biological parent adopting the child.

(iii) certify that the child or children has or have given their or their consent for the said adoption and is or are willing to accept the step-parent adopting the child or children as father or mother(strike out which is not applicable).

(iv) certify that my or our consent above is given out of freewill and has not been induced by payment or compensation of any kind.

(v) Declare that I or we have fully understood the above statements.

Signed at ..... on.....

(Signature or Thumb Impression of the biological parents)

Biological Father

Biological Mother

B. Consent of the child or children at A(i), if completed five years of age before Child Welfare Committee:

Countersigned by Biological Parents

C. Step Parent & the Biological Parent Adopting the Child or Children.

Family name:

First name(s):

Date of birth: day( )month( )year( )Permanent Address:

We, the undersigned:

(i) give our consent to adopt the child or children mentioned at A (i) above, out of our freewill.

(ii) understand that the adoption of the child or children shall create a permanent parent-child relationship with all the rights and duties associated with such relationship.

(iii) Declare that we have fully understand the above statements.

Signed at ..... on.....

(Signature or Thumb Impression of the step parent and the biological parent)

Step Parent **Biological Parent**

D. Declaration by Witnesses

We, the undersigned have witnessed the above.

(a) Signature, Name and Address of the first Witness with Identity Document proof

(b) Signature, Name and Address of the second Witness with Identity Document proof

Signed at ..... on .....

Note:-

(i) Death Certificate of the biological parent to be attached in case he or she is not alive.

(ii) Photographs of the child or children to be adopted, the biological parents, spouse adopting the child or children and the witnesses are required to be pasted and attested in the form.

(iii) In case children are being relinquished or surrendered by both the spouses from their respective earlier marriages for adoption, separate consent forms shall be filled up.

(iv) Only the parents having full custodian rights of the child or children shallgive consent.

Photograph of biological father or mother	Photograph ofchild	Photograph of stepparent

E. Certification of Child Welfare Committee.

Based on the above consents and supporting documents, the Child Welfare Committee …….. (name of the District) hereby declares the child or children mentioned at A (i) as legally free for adoption by …… (step-parent) and ……..(one of the biological parents) subject to issue of adoption order by the District magistrate.

Signed at……. on ……..

Signature of three members of Child Welfare Committee

Seal of Child Welfare Committee

SCHEDULE XXI

[See regulation 55(9), 57(1) and 68(5)]

FAMILY BACKGROUND REPORT OF THE CHILD AND THE BIOLOGICAL PARENTS

(Signature with Stamp of the officer concerned from District Child Protection Unit on each page.)

DATE OF THE HOME VISIT:

NAME OF THE REPRESENTATIVE FROM THE DCPU:

1. Personal particulars about the child

1.1 Full name of the child:

1.2 Sex: Male Female Other

1.3 Date of birth(Birth Certificate of the child to be attached):

1.4 Place of birth:

1.5 Religion:

1.6 Language spoken (if applicable):

1.7 Order of birth in the family:

1.8 Present educational status:

1.9 General Personality and description of the child:

1.10 Social and educational background of the child:

2. Details about the biological parents of the child or guardian of the child, asthe case may be.

Details of the father or guardian		**Details of the mother or guardian**	
Date of birth and age		Date of birth and age	
Religion		Religion	
Nationality		Nationality	
Present andPermanent Address		Present andPermanent Address	
Educational Qualifications		Educational Qualifications	
Present Occupation		Present Occupation	
Total income per month (proof to be given)		Total income per month (proof to be given)	
Whether suffering from any disease (if yes, details to be given)		Whether suffering from any disease (if yes, details to be given)	

3. Details about other family members living with the biological parents or guardians (Other individuals who reside in the household or outside)

Name in full	Age and Sex	Occupation details	Maritalstatus	Relationship with the child

4. Opinion about the proposed adoption by each member of the family.

5. The relationship between the biological family and the adoptive family. (Please attach Family tree)

6. Remarks of District Child Protection Unit:

[The District Child Protection Unit is required to provide counselling to the biological parents about the effects of adoption and give reasons for proposing the child in adoption. Further, the District Child Protection Unit has to mention if the adoptive parents have already interacted with the child, if yes when, reason or motivation for adoption. District Child Protection Unit may also describe about home of the biological family, whether the parents of the child or children are in touch with the prospective adoptive parents, and description of living accommodation and photograph of the child with adoptive family, etc.]

The District Child Protection Unit may come out with details on the following:

a) Whether the child is adoptable as per the law of the country and the reason(s) for the particular adoption?

b) Whether the biological parents have been counselled about the effects of adoption that the adoption shall result in the termination of the legal relationship between the child and their or her family of origin?

c) Consent of the biological parents in the required legal form mentioning the fact that it has not been induced by payment or compensation of any kind.

d) Whether the child has been counselled thoroughly about the effects ofadoption? (Not applicable in case the child is below five years old)

e) Who has provided counselling to the child?
Parents or Guardian or Child Welfare Committee or Social Worker or Counsellor or Teacher or Uncle or Aunt or Sibling or Grandparents, Any other (Specify)

f) Consent of the child if it is above five years in the required legal form mentioning that the child has been counselled without any inducement andis fully informed of the effects of the adoption.

g) Disability or special needs (if any to be reflected in the Medical Examination Report)

h) Whether the child knows about the legal termination of parent-child relationship due to the adoption?(Not applicable in case the child is belowfive years old)

i) The reason for not placing the child in in-country adoption, if applicable?

j) Justification of separation of child from biological family.(100 words min.)

7. Whether the envisaged placement is in the best interest of the child:

Name of the District Child Protection Officer
Signature and Seal of the District Child Protection Officer with Date

Documents to be attached with the Report

A. Biological Parent related documents:

1. Proof of residence of the biological family or guardian
2. Proof of date of birth of the biological family or guardian
3. Medical certificate in case the biological parents have any medicalcondition
4. Affidavit stating consent of the biological parents

B. Child related documents:

1. Proof of date of birth of the child
2. Medical Examination Report of the child to be adopted
3. Affidavit stating consent of the adoptive child, in case the child is above five years
4. Photograph of the child with biological family
5. Photograph of the child with adoptive family

SCHEDULE XXII

[See regulation 54(2)]

PERMISSION BY CHILD WELFARE COMMITTEE TO THE CONSENT GIVEN BY THE GUARDIAN OF THE CHILD FOR ADOPTION BY THEIR RELATIVE [WHERE BIOLOGICAL PARENTS ARE NOT ALIVE OR NOT ABLE TO GIVE CONSENT]

A. I or We, the undersigned give the following declaration before theChild Welfare Committee (District):

Male Guardian	**Female Guardian**
Name: Surname: Father's name: Date of birth: Day ( ) Month ( ) Year ( )Permanent Address: Present Address:	Name: Surname: Father's name: Date of birth: Day ( ) Month ( ) Year ( ) Permanent Address: Present Address:

Declare that:

The child (name)……..(Surname)…….Sex: Male[ ] Female [ ] Other [ ], Date of birth: Day( )Month( )Year( ), Place of birth……., daughter or son of…….., permanent resident of ……. And presently residing at …….. is under my or our custody due to death of their parents (both). The natural parents of the above mentioned child or children is or are my or our…….. (please specify the relation and attach proof of supportingdocuments).

I or We

(i) give consent to the surrender of the child named ---------- to my or ourrelative for adoption;

(ii) hereby terminate the legal guardian-ward relationship with the saidchild or children;

(iii) understand that the said child shall be adopted by their relative residing in India or abroad;

(iv) understand that the adoption of this child shall create a permanent parent-child relationship with the adoptive parents;

(v) shall have no claim over the child;

(vi) declare that I or we have fully understood the above statements carefully;

(vii) have information about the effects of my or our consent:

(viii) am or are making the statement without coercion or threat and withoutreceiving any payment or compensation of any kind.

Signed at ..... on.....

[Signature or Thumb Impression of the Guardian(s)]

B. Acceptance of child's relative adopting the child.

Adoptive Father	Adoptive Mother
Family name: First name: Date of birth: day ( ) month () year ( ) Permanent Address:	Family name: First name: Date of birth: day ( ) month ( ) year ( ) Permanent Address:

I or We

(i) accept and understand that the adoption of this child shall create apermanent parent-child relationship with us.

(ii) Certify that the consent have not been induced by payment orcompensation of any kind.

(iii) Declare that or we have fully understood the above statements.

Signed at ..... on.....

[Signature or Thumb Impression of the adoptive parents]

Adoptive Father **Adoptive Mother**

C. Declaration by Witnesses

I or we the undersigned know the guardian of the child or children very well and have witnessed the above statement of consent or surrender.

a) Signature, Name and Address of the first Witness

b) Signature, Name and Address of the second Witness

Photograph of theguardian	Photograph of child	Photograph of prospective adoptive parents

D. Certification of Child Welfare Committee

Name (s): .....

Designation: .....

The Child Welfare Committee .....(name of the district) hereby certifies that the person and the witness (es) named above appeared before the Committee and signed this document in our presence.

Signed at ..... on.....

Signature and Seal
Child Welfare Committee

SCHEDULE XXIII

[See regulation 13(10)]

AFFIDAVIT BY THE CHIEF FUNCTIONARY OR AUTHORISED PERSON OF THE SPECIALISED ADOPTION AGENCY TO DISTRICT MAGISTRATE IN SUPPORT OF ADOPTION OF CHILD

1. Affidavit of_____ working as _____in _____located at ____
2. I do hereby state of solemn affirmation as under:

(a) That details of the child_____(Name, Sex and Date of Birth)have been entered on the Designated Portal. The unique registration number assigned to the child through the Designated Portal is_____.

(b) That the Child Welfare Committee_____(name of the district) hasdeclared the child as legally free for adoption on_____.

(c) That the child was referred to waiting prospective adoptive parents in the online child referral system through the Designated Portal and the child has been accepted by the present prospective adoptive parents (Regd. No and Name)_____ following the procedure as provided in regulation _____of the Adoption Regulations.

(d) That the Home Study Report of the prospective adoptive parents, prepared by_is found to be suitable.

(e) That the Adoption Committee constituted under paragraph of the Adoption Regulations has taken decision in favour of the proposed adoption and accordingly the adoption application is being filed in the office of the DistrictMagistrate.

Or

That No Objection Certificate for the proposed inter-country adoption has been issued by the Central Adoption Resource Authority on dated ------ (strike out the one which is not applicable).

(f) That the adoption procedure followed in this case complies section____ of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 and paragraph_____of the Adoption Regulations.

(g) That our organisation_____has been recognised by the State Government of run as a Specialised Adoption Agency vide no._____dated__which is valid till .

(h) That the Specialised Adoption Agency has received adoption fee of Rs._____ only as stipulated by Central Adoption Resource Authority.

(i) That I commit myself not to receive any donation in any form from the adoptive parents or their relatives or through their sponsoring agency during the adoption process or after completion of the adoption process.

(j) That facts stated above are genuine to the best of my knowledge and belief and I do hereby declare that in case the facts mentioned above are found non-genuine, I shall be liable for the consequences.

VERIFICATION

That I_____, the deponent above, do hereby verify that the contents of the above affidavit are true and correct.

Name and Signature of the Chief functionary or
Authorised person of the Specialised Adoption Agency

Verified at

Sworn and signed before me on_____in my presence.

SCHEDULE XXIV

[See regulation 54(4)]

AFFIDAVIT OF PROSPECTIVE ADOPTIVE PARENTS IN CASE OF IN-COUNTRY RELATIVE ADOPTION IN SUPPORT OF THEIR FINANCIAL AND SOCIALSTATUS AS PER SUB-REGULATION (4) OF REGULATION 54

Affidavit of Mr…… and Mrs……..Resident of ……., about socio-economical and financial status to adopt the child……from the relative family Mr. ……..and Mrs…, residing at ……..

1. That I or we am or are Indian nationals residing in ……since------ years.
2. That the child proposed to be adopted is my ……which fulfils the relations criteria as provided in section 2(52) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.
3. That my or our total annual income from all source is …….. per annum, which is adequate to raise the child in our family in the local living standards where we reside.

VERIFICATION

That I or We ……, the Applicant above , do hereby verify that the contentsof the above affidavit are true and correct.

Applicant
(Prospective Adoptive Parents in case of
in-country relative adoption)

Verified at

Sworn and signed before me on..... in my presence.

SCHEDULE XXV

[See regulations 54(6) and 55(5)]

PRE- APPROVAL LETTER IN CASE OF IN-COUNTRY RELATIVE OR STEP ADOPTION

Date:

Format 1- Pre- Approval Letter (Relative Adoption)

1. Pre-Approval Letter in the matter of Relative Adoption of the Child___(Male or Female or Other)_____(Date of Birth)by their Relatives _____ _____and __(Designated Portalreg. No.)_____and date of registration_____.
2. That the prospective adoptive parents wish to adopt the child _____(F or M), daughter or son of _____ (Biological Parents) and _____(Adoptive Mother and Father) is the _____ (specify the relation with the child or children) of the child----------(name of the child or children), and hence is a 'Relative' for the purpose of adoptions under section 2(52) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.
3. That the prospective adoptive parents have registered on the Designated Portal for Relative Adoption as per provisions of regulation 54(1) of the Adoption Regulations, 2022.

4. That the consent letter from the biological parents or permission of the Child Welfare Committee has been obtained as per provisions of Regulation 54(2) of Adoption Regulations, 2022, and in the prescribed format at **Schedule XIX or XXII** of Adoption Regulations, 2022.
5. That the Affidavit of the prospective adoptive parents, declaring their social and financial status, as required under the Regulation 54 (4) of Adoption Regulations, 2022 has been furnished in the prescribed format, i.e. **Schedule XXIV** of the Adoption Regulations, 2022 and has been duly verified and found to be satisfactory by the District Child Protection Unit.
6. That the prospective adoptive parents may approach the concerned District Magistrate through District Child Protection Unit as per Regulation 54(5) of the Adoption Regulations, 2022, as they have complied with all the requirements for undertaking the In-Country Relative Adoption, under the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.
7. That the District Magistrate concerned may issue the adoption order as per regulation 36(3)(d) based on the application as provided in **Schedule XXX** of the Adoption Regulations, 2022.

Authorised Officer

(State Adoption Resource Agency)

To:-Prospective Adoptive Parents, District Child Protection Unit & Central Adoption Resource Authority.

Date:

Format 2- Pre- Approval Letter (Step-Parent Adoption)

Pre-Approval Letter in the matter of Step-Parent Adoption of the Child _____(Male or Female or Other)_____(Date of Birth)by the step-parent _____ (Designated Portalreg. No.)____ _____and date of registration_____ .

2. That the Biological mother or father,_____ and the Step father or Stepmother_____had solemnised their marriage on ____ (Date of marriage).

3. That the Step and Biological parents have obtained clearance from Child Welfare Committee as per **Schedule XX** of the Adoption Regulations, 2022.

4. That the Step parent and Biological parent have uploaded the requisite documents on the Designated Portal.

5. That the District Child Protection Unit _____ (Name of the District) as per regulation 55(4) has performed the verification checks and has stated that the information providedtherein and the documents are true and correct.

6. That the Step parent and Biological parent may approach the District Magistrate___ (name of the District) as per regulation 59(5) of the Adoption Regulations, 2022 through the office of the District Child protection Unit.

7. That the District Magistrate concerned may issue the adoption order as per regulation 36(3)(d)based on the application as provided in **Schedule XXXII** of the Adoption Regulations, 2022.

Authorised Officer

(State Adoption Resource Agency)

To:-Prospective Adoptive Parents, District Child Protection Unit & Central Adoption Resource Authority.

SCHEDULE XXVI

[See regulation 24(1)]

APPLICATION FROM A CHILD CARE INSTITUTION FOR RECOGNITION AS A SPECIALISED ADOPTION AGENCY

1.	**About the Institution:**	
1.1	Name of the Institution or Organisation.	
1.2	Registration number and date of registration of the Institution or Organisation under the relevant Act (Relevant documents of registration and bye-laws, memorandum of association to be annexed).	
1.3	Registration number and date of Registration of the Institution or Organisation as a Child Care Institution (Annex copy of the Registration Certificate).	
1.4	Period of validity to run the Child Care Institution.	
1.5	Complete address of the Applicant orinstitution or Organisation.	
1.6	STD code or Telephone No.	
1.7	STD code Fax No.	
1.8	E-mail address.	
1.9	If the Organisation is of all India character, give address of its branches, in other States.	
1.10	If the Child Care Institution had been denied recognition or registration as a Specialised Adoption Agency earlier? Yes or No If Yes (a) Ref. No. of application which resulted in denial of recognition as Child Care Institution: (b) Date of denial: (c) Which department has denied therecognition: (d) Reason for denial of recognition as Specialised Adoption Agency:	
2.	**Infrastructure:**	
2.1	No. of rooms (mention with measurement)	
2.2	No. of toilets (mention with measurement)	
2.3	No. of Kitchen (mention with measurement)	
2.4	No. of sick room	
2.5	Copy of blue print of the building (authentic sketch plan of building) to be attached.	

2.6	Arrangement to deal with unforeseen disaster; also mention the kind of arrangement made: (a) Pest control (b) Waste disposal (c) Storage area (d) Any other arrangement	
2.7	Rent agreement or building maintenanceestimate (whichever is applicable) (Annex: copy of Rent agreement)	
3.	**Capacity of the Institution or Organisation:**	
3.1	No. of children present in the home. (a) 0-5 years (b) 5-11 years (c) 11-18 years	
4.	**Facilities Available for Children:**	
4.1	Educational facility	
4.2	Health Check-up arrangement, frequency of check-up, type of check-ups proposed to be Done.	
4.3	Any other facility having impact on theoverall development of the child.	
5.	**Staffing:**	
5.1	Details staff list (to be annexed)	
5.2	Name of partner Organisations	
6.	**Background information about the Child Care Institution:**	
6.1	Major activities of the Organisation in lastyears. (Annex copy of Annual Report for last two years)	
6.2	An updated list of members of the management committee or governing body (Please annex resolution of the executive body of the institution supporting decision to run an adoption agency)	
6.3	List of assets or infrastructure of the Organisation. (to be annexed)	
6.4	If the Organisation registered under the Foreign Contribution (Regulation) Act, 1976 (49 of 1976). (Certificate to be annexed)	
6.5	Details of foreign contribution received lasttwo years. (Annex: relevant documents)	

6.6	List of other sources of grant-in-aid funding(if any) with the name of the scheme or project, purpose amount, etc.	
6.7	Details of existing bank account of the agency indicating branch code accountnumber.	
6.8	Whether the institution agrees to open a separate bank account for the grant proposed.	

I have read and understood The Juvenile Justice (Care and Protection of Children) Amended Act, 2021 and the Juvenile Justice (Care and Protection of Children) Model Rules, 2022.

I declare that no person associated with the Organisation has been previously convicted or has been involved in any immoral act or in any act of child abuse or employment of child labor and that the Organisation has not been blacklisted by the Central or the State Government at any point of time.

_____(Name of the Organisation or Institution) has complied with all the requirements to be registered as a Specialised Adoption Agency under the Juvenile Justice (Care and Protection of Children) Amendment Act,2021 and The Juvenile Justice(Care and Protection of Children) Rules, 2022.

I undertake to regularly update data on the Designated Portal and to have facilities for the same.

I undertake to abide by all the conditions laid down by the Central or State Act, Rules, Adoption Regulations and notifications in this regard.

Name and Signature of the Chief Functionary:
Designation:
Address:
District:
Date:
Office stamp:
Signature of:
Witness No.1:
Witness No.2:

SCHEDULE XXVII

[See regulation 11(4)]

FORMAT OF MINUTES OF THE ADOPTION COMMITTEE IN CASE OF IN-COUNTRYADOPTION

Name and Address of the Specialised Adoption Agency:

1. Following are the members of the Adoption Committee as per sub-regulation (4) of regulation 10 of the Adoption Regulations notified by Central Government.

S. No	Name	Designation
(1)		
(2)		
(3)		

[In case of adoption through Specialised Adoption Agency-Child Care Institution linkage, the members shall be in accordance with regulation 61 (8) of the Adoption Regulations. The quorum of the Committee shall be as per para 11(5) of the regulations]

2. The undersigned members of the Committee have scrutinised all requisite documents (attested or notarised) required for filing adoption application before the District Magistrate concerned as mentioned below:

(1) Current family photograph or Photograph of person adopting a child.

(2) PAN Card of the parents

(3) Birth certificate or Proof date of birth of the parents (In case of married couple, upload Birth Certificate of both the applicants).

(4) Proof of residence (aadhar card or voter card or passport or current electricity bill or telephone bill).

(5) Proof of income of last year (salary slip or income certificate issued by Govt. department or income tax return).

(6) Certificate from a medical practitioner certifying that the prospective adoptive parents do not suffer from any chronic, contagious or fatal disease and they are fit to adopt (In case of married couple, upload Medical Certificate of both the applicants).

(7) Marriage certificate or Divorce Decree or Declaration from the competent courtor affidavit on oath pertaining to divorce in case of divorce governed by personal law where decree of divorce is not mandatory or Death certificate ofspouse whichever is applicable.

(8) Two reference letters from acquaintances or relatives in support of adoption.

(9) Copy of divorce decree or Declaration from the competent court or affidavit on oath pertaining to divorce in case of divorce governed by personal law where decree of divorce is not mandatory or death certificate of the spouse (if applicable).

(10) Copy of consent of the older child or children in the family.

3. Decision of the Adoption Committee.

(1) It has been decided by the Committee that the prospective adoptive parents..... having Registration No. ..... have beenconsidered suitable to adopt the child ..... (Date of Birth)
having Registration No. .....

(2) In case the prospective adoptive parents are not considered suitable, reasons forthe same:

(..... .....)	(..... .....)	(..... .....)
Member1	**Member2**	**Member3**
(Name and Designation)	(Name and Designation)	(Name and Designation)

SCHEDULE XXVIII

[See section 56(1), 58, 61 & regulation 13(2)]

MODEL APPLICATION IN CASE OF ORPHAN OR ABANDONED OR SURRENDERED CHILD (REN) FOR IN-COUNTRY ADOPTION

[To be filed by the Specialised Adoption Agency before **the District Magistrate at_____]**

1. Application No._ /Year
2. Regd. Number of prospective adoptive parents on the Designated Portal:
3. Name and address of the District Child Protection Unit:
4. Application in the matter of adoption of the child: .....(male or female or other), DOB:

.....) under section 58(3) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 read with regulation 13 (2) of the Adoption Regulations.

Applicant (s)

1. Name and address of the Specialised Adoption Agency concerned on behalf of the Prospective Adoptive Parents:
2. Name and address of the Child Care Institution concerned, if the AdoptionApplication is being filed in a linkage case:

Prospective Adoptive Parents

Mr.....S/o.....Aged about ..... Years, Citizen of ....., Occupation:..... Permanent Residential address:.....

Mrs. .....W/o..... Aged about ..... Years, Citizen of ....., Occupation:..... Permanent Residential address:.....

The Applicant most respectfully submits before the District Magistrate as under:-

1. That the Applicant is a recognised Specialised Adoption Agency undersection 65 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 (hereinafter referred to as Juvenile Justice Act) by the State Government of ..... for rehabilitating orphan, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations.

2. That the Applicant is having the care and custody of the child----------(male or female or other, DOB:------ _____desires to place the child in adoption with the above named prospective adoptive parents.

3. That the Co-Applicant is a registered Child Care Institution, which is having the care and custody of the child_____ (male or female or other, DOB:_____) desires to place the child in adoption with the above named prospective adoptive parents through the applicant Specialised Adoption Agency as per the provision of section 66 of the Juvenile Justice Act.

[**Note**: This paragraph shall be mentioned in case the Adoption Application is being filed in a linkage case.]

4. That the child or children_____, (male or female or other, DOB:---------- ------ has or have been declared legally free for adoption by the Child Welfare Committee_____(Name of the District) (copy of order annexed), as per the provisions of section 38 of the Juvenile Justice Act and the said child is registered on the Designated Portal with the Registration No----------, for the purpose of adoption as envisagedin section 56(1) of the Juvenile Justice Act.
5. That, the above named prospective adoptive parents are resident Indians, presently living at----------(_____complete address).
6. That they have been found eligible and suitable to adopt the above named child or children as per the criteria mentioned in section 57 of the Juvenile Justice Act and regulation 5 of the Adoption Regulations, and based upon their Home Study Report annexed.

7. That the prospective adoptive parents have also been found suitable by the Adoption Committee to adopt the above named child or children. A true copy of the decision of the Adoption Committee is also annexed.

8. That the above named child or children has or have been reserved by the said prospective adoptive parents through the Designated Portal and has been accepted by the said prospective adoptive parents by signing the Child Study Report and the Medical Examination Report on----------.

9. That the child or children has or have been given in pre-adoption foster care to the said prospective adoptive parents on---------, after obtaining a pre-adoption foster care Affidavit (true copy annexed), as per the provisions of Section 58(3) of Juvenile Justice Act and regulation 12(1) of the Adoption Regulations.

10. That the Adoption Committee vide its meeting dated---------has decided to place the child or children in adoption with the prospective adoptive parents.

11. That the prospective adoptive parents have undertaken in the said pre-adoption foster care Affidavit that they shall allow the authorised social worker or functionary of the Specialised Adoption Agency or District Child Protection Unit or State Adoption Resource Agency to visit their home for undertaking post-adoption follow-up to ascertain the progress and well-being of the child in the adoptive family [as envisaged under section 58(5) of Juvenile Justice Act].

12. That the prospective adoptive parents have further undertaken to inform any change in the place of their residence (other than as stated in this application),to the Applicant(s), State Adoption Resource Agency and the District Child Protection Unit concerned for the purpose of post adoption follow-up.

13. That the prospective adoptive parents have also undertaken to upbring the said child or children as their own and to accord the same status or rights or privileges to the child or children at par with the natural born child as provided in pre-adoption foster care affidavit annexed.

14. That the conditions laid down in section 61 (1) of the Juvenile Justice Act have been complied with in this adoption case.

15. That the giver(s) and taker(s) have no interest directly or indirectly adverse to that of the child or children.

16. That the District Magistrate has jurisdiction to pass adoption order as per the provisions of section 2 (23), 58 (3) and 61 of the Juvenile Justice Act.

17. That the prospective adoptive parents understand that the adopted child shall become their lawful child with all the rights, privileges andresponsibilities that are attached to a biological child.

18. That the Applicant(s) have not filed any other Application for the adoption of the said child in any other office of District Magistrate.

19. The Applicant(s),therefore, pray that:

(a) The above named Prospective Adoption Parents may please be given the said child or children in adoption and be declared as the parents of the said minor for all purposes allowed by the law.

(b) The Birth Certificate Issuing Authority (name and place) may please be directed to issue Birth Certificate for the said child or children within five days from the date of application, as per the provisions of regulation 40 of the Adoption Regulations.

Place & Date:

Applicant No 1

Applicant No 2(if applicable)

Photograph of the Child	Photograph of the adoptive Parents

VERIFICATION

I Mr.or Ms. ……,Adoption In-charge or social worker of Applicant No. 1 do hereby state on oath and solemnly affirm that the contents of this Application are true and correct to the best of my or our knowledge and belief and the information and documents presented with this Application are genuine.

Applicant no. 1(Name & signature with seal)

Date

Index

Sr. No.	Documents to be annexed as provided in Schedule VI &IX of the Adoption Regulations	Reference	PageNo.

Application has been scrutinised and submitted for perusal of the District Magistrate

District Child Protection Office
(Name & signature with seal,
Place & date)

SCHEDULE XXIX

[See section 56(4), 59 & regulation 18(2)]

MODEL APPLICATION IN CASE OF AN ORPHAN OR ABANDONED OR SURRENDEREDCHILD (REN) FOR INTER-COUNTRY ADOPTION

[To be filed by the Specialised Adoption Agency]

1. Application No./Year
2. Regd. Number of prospective adoptive parents on the Designated Portal:
3. Name and address of the District Child Protection Unit:
4. Application in the matter of adoption of the child:.....(male or female or other), DOB:

.....) under section 59(7) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 read with regulations 18 (2) of the Adoption Regulations.

Applicant (s)

1. Name and address of the Specialised Adoption Agency concerned on behalf of the Prospective Adoptive Parents:
2. Name and address of the Child Care Institution concerned, if the Adoption Application is being filed in a linkage case:

Prospective adoptive parents

Mr.....S/o.....Aged about ..... Years, Citizen of ....., Occupation:..... Permanent Residential address:.....

Mrs. .....W/o..... Aged about ..... Years, Citizen of ....., Occupation:..... Permanent Residential address:.....

The Applicant most respectfully submits before the District Magistrate as under:

1. That the Applicant is a recognised Specialised Adoption Agency under section 65 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021(hereinafter referred to as Juvenile Justice Act) by the State Government of ____, for rehabilitating orphan, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations.
2. That the Applicant is having the care and custody of the child.....(male or female or other , DOB:.....desires to place the child in adoptionwith the above named prospective adoptive parents.
3. That the Co-Applicant is a registered Child Care Institution, which is having the care and custody of the child: .....(male or female or other, DOB:.....) intends to give this child in adoption to the above named Prospective Adoption Parents through the applicant Specialised Adoption Agency as per the provision of section 66 of the Juvenile Justice Act.

   [**Note**: This paragraph shall be mentioned in case the Adoption Application isbeing filed in a linkage case.]
4. That the child or children..... (male or female or other, DOB:.....) has or have been declared legally free for adoption by the Child Welfare Committee, District (copy of order annexed), as per the provisions of section 38 of the Juvenile Justice Act and the said child is registered on the Designated Portal with the Registration No....., for the purpose of adoption as envisaged in section 56 (1) of the Juvenile Justice Act.
5. That, the above named prospective adoptive parents are non-resident Indians or Overseas Citizens of India Card holder or Foreigner, presently living at..... (complete address).

6. That the prospective adoptive parents have been found eligible and suitable to adopt by the Authorised Foreign Adoption Agency or Central Authority (name and address), and based upon their Home Study Report annexed and as per the law of the country of their residence.
7. That the prospective adoptive parents have been registered on the Designated Portal with the Registration No ..... and they have been found eligible by the Central Adoption Resource Authority as per the criteria mentioned in section 57 of the Juvenile Justice Act and regulation 5 of the Adoption Regulations.
8. That the above named child or children has or have been reserved by the said prospective adoptive parents online on the Designated Portal and has or have been accepted by the said prospective adoptive parents by signing the Child Study Report and the Medical Examination Report on .....
9. That the prospective adoptive parents have undertaken through the Authorised Foreign Adoption Agency or Central Authority concerned that they shall allow the authorised social worker or functionary of the Authorised Foreign Adoption Agency or Central Authority or concerned Government department to visit their home for undertaking post-adoption follow up to ascertain the progress and well-being of the child in the adoptive family, as envisaged under section 59 (11) of the Juvenile Justice Act.
10. That the prospective adoptive parents have also undertaken to up-bring the said child or children as their own and to accord the same status or rights or privileges to the child or children at par with the natural born child.
11. That the conditions laid down in section 61 (1) of the Juvenile Justice Act have been complied with, in this adoption case.
12. That the giver(s) and taker(s) have no interest directly or indirectly adverse to that of the child or children.
13. That the applicant (s) are within the jurisdiction of the District Magistrate, hence the Magistrate has jurisdiction to pass the adoption order as per the provisions of sections 2 (23), 59 (7) and 61 of the Juvenile Justice Act.
14. That Central Adoption Resource Authority has issued a No Objection Certificate for the proposed adoption as provided in regulation17 of the Adoption Regulations.
15. That the Applicant(s) have not filed any other Application for the adoption of the said child in any other office of the District Magistrate.
16. That the giver(s) and taker(s) have no interest directly or indirectly adverse to that of the child or children.

17. The Applicant(s), therefore, pray that:

(a) The above named prospective adoption parents may please be declared as parents of the said child or children for all purposes allowed by the law and may be allowed to be taken to the country of their residence for upbringing the child or children as their own.

(b) The Birth Certificate Issuing Authority (name and place) may please be directed to issue a Birth Certificate for the said child or children within five days from the date of application, as per the provisions of regulation 19(5) and regulation 40.

(c) The Regional Passport Office concerned may please be directed to issue the Passport for the said child or children within ten days from the date of application, as per regulation 42.

Place: APPLICANT NO. 1

Date: APPLICANT NO. 2

Photograph of the Child	Photograph of the adoptive Parents

VERIFICATION

I Mr. or Ms. ……, Adoption In-charge or social worker of Applicant No. 1 do hereby state on oath and solemnly affirm that the contents of this Application are true and correct to the best of my knowledge and belief and the information and documents presented with this Application are genuine.

Applicant no. 1(Name & signature with seal)

Date:

Index

Sr. No	Documents to be annexed as provided in Schedule VI & IX of the AdoptionRegulations	Reference	Page No.

Application has been scrutinised and submitted for perusal of the District Magistrate.

District Child Protection Officer(Name & signature with seal, Place & date)

[Note: In cases of foreign citizens residing in India, the application format has to be suitably modified]

SCHEDULE XXX

[See section 2(52), 56(2) & regulation 54(8)]

MODEL APPLICATION FOR IN-COUNTRY RELATIVE ADOPTION

[To be filed by the prospective adoptive parents]

1. Application No.–/ Year
2. Regd. Number of prospective adoptive parents on the Designated Portal:
3. Name and address of the District Child Protection Unit:
4. Application in the matter of adoption of the child:……..(male or female or other, DOB: ……) under section 56(2) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 read with regulation 54 of the Adoption Regulations.

Prospective adoptive parents(Applicants)

Mr.……S/o……Aged about……. Years, Citizen of ……..., Occupation:…… Permanent Residential address:.....

Mrs. ……W/o…… Aged about……. Years, Citizen of ……..., Occupation:…… Permanent Residential address:.....

Natural or Biological Parents

Mr.……S/o……Aged about……. Years, Citizen of ……..., Occupation:…… Permanent Residential address:.....

Mrs. ……W/o…… Aged about……. Years, Citizen of ……..., Occupation:…… Permanent Residential address:.....

The Applicants most respectfully submit before the District Magistrate as under :-

1. That the Applicants are prospective adoptive parents and are relative to natural or biological parents of the child___(male or female or other)under section 2(52)of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 (hereinafter referred to as **J**uvenile **J**ustice Act).
2. That the Applicants are paternal uncle or aunt or a maternal uncle or aunt, or paternal grandparent or maternal grandparents of the child.
3. That the child____was born to the natural parents on_____and they are resident of_____.
4. That the natural parents are desirous of placing the child in adoption for the reason_____.
5. That prospective adoptive parents are desirous of adopting the child for the reason_____.
6. That the Applicants and the natural parents have given consent to the proposed adoption which is annexed with the Application. (In case, the natural parents are not alive, document related to permission for adoption from the Child Welfare Committee shall be annexed as provided in the Adoption Regulations.)
7. That the child proposed to be adopted is a minor (below five years) who is notable to express their views.

Or

That the child proposed to be adopted has also given his or her consent for the said adoption and is willing to accept the Applicants as parents.

8. That the adoption of the child by the prospective adoptive parents from the natural parents shall be of the paramount welfare and they shall treat the child as their own with all rights and responsibilities.
9. That neither the applicants have given or agreed to give, nor have the natural parents or guardians of the child received or agreed to receive any payment to reward in consideration of the adoption.
10. That the conditions laid down in section 61 (1) of the Juvenile Justice Act have been complied with in the case of proposed adoption.
11. That the giver(s) and taker(s) have no interest directly or indirectly adverse to that of the child or children.
12. That the child ordinarily resides within the jurisdiction of the District Magistrate and hence the Magistrate has jurisdiction to pass adoption order as per the provisions of section 61 of the Juvenile Justice Act.
13. That the Applicant(s) have not filed any other Application for the adoption of the said child in any other office of District Magistrate.
14. That the Applicants understand that the adopted child shall become the lawful child of the applicants with all the rights, privileges and responsibilities that are attached to a biological child.

15. The Applicant(s), therefore, pray that:

(a) The above named child may please be given in adoption to the applicants and the applicants be declared as the parents of the said minor for all purposes allowed by the law.

(b) The Birth Certificate Issuing Authority (name and place) may please be directed to issue a Birth Certificate for the said child or children within five days from the date of application, as per the provisions of regulation 19(5) and regulation 40.

VERIFICATION

I or We, Mr. or Mrs. ……., do hereby state on oath and solemnly affirm that the contents of this Application are true and correct to the best of my or our knowledge and belief and the information and documents presented withthis Application are genuine.

PROSPECTIVE ADOPTIVE PARENTS	
NAME	SIGNATURE

Photograph of thebiological parents	Photograph of the child	Photograph of the adoptive parents

Index

Sr. No.	Documents to be annexed as provided in Schedule VI & IX of the Adoption Regulations	Reference	Page No.

Application has been scrutinised and submitted for perusal of the District Magistrate.

District Child Protection Officer
(Name & signature with seal, Place & date)

SCHEDULE XXXI

[See section 2(52), 60 & regulation 59(4)]

MODEL APPLICATION FOR INTER-COUNTRY RELATIVE ADOPTION

[To be filed by the prospective adoptive parents]

1. Application No._____/Year____
2. Regd. Number of prospective adoptive parents on the Designated Portal:
3. Name and address of the District Child Protection Unit:
4. Application in the matter of adoption of the child:……(male or female or other , DOB: ……) under section 60 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 read with regulation 56,57,58 and 59 of the Adoption Regulations.

Prospective adoptive parents (Applicants)

Mr.……S/o……Aged about ……. Years, Citizen of ……..., Occupation:…… Permanent Residentialaddress:.....

Mrs. ……W/o…… Aged about……. Years, Citizen of ……..., Occupation:…… Permanent Residential address:.....

Natural or Biological Parents

Mr.……S/o……Aged about ……. Years, Citizen of ……..., Occupation:…… Permanent Residentialaddress:.....

Mrs. ……W/o…… Aged about ……. Years, Citizen of ……..., Occupation:…… Permanent

Residentialaddress:.....

The Applicants most respectfully submit before the District Magistrate asunder:-

1. That the Applicants are prospective adoptive parents and are relative to natural or biological parents of the child_____ (male or female or other gender)under section 2(52) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021(hereinafter referred to as Juvenile Justice Act).
2. That the Applicants are paternal uncle or aunt or a maternal uncle or aunt, or paternal grandparent or maternal grandparents of the child_____.
3. That the Applicants are residents of_____.
4. That the child ------- was born to the natural parents on -------and they are resident of----------.
5. That the natural parents are desirous of placing the child in adoption for the reason_____.
6. That prospective adoptive parents are desirous of adopting the child for the reason.
7. That the Applicants and the natural parents have given consent to the proposed adoption which is annexed with the Application. (In case, the natural parents are not alive, document related to permission for adoption from the Child Welfare Committee shall be annexed as provided in the Adoption Regulations.
8. That the child proposed to be adopted is a minor (below five years) who is not able to express their views.

Or

That the child proposed to be adopted has also given his or her consent for the said adoption and is willing to accept the Applicants as parents.

9. That the adoption of the child by the applicants from the natural parents shall be of the paramount welfare and the applicants shall treat the child as their own with all rights and responsibilities.
10. That neither the applicants have given or agreed to give, nor have the natural parents or guardians of the child received or agreed to receive any payment or reward in consideration of the adoption.
11. That the conditions laid down in section 61 (1) of the Juvenile Justice Act have been complied within the case of proposed adoption.
12. That the giver(s) and taker(s) have no interest directly or indirectly adverse to that of the child or children.
13. The child ordinarily resides within the jurisdiction of the District Magistrate and hence the Magistrate has jurisdiction to pass adoption order as per the provisions of section 61 of the Juvenile Justice Act.
14. That the Applicant(s) have not filed any other Application for the adoption of the said child in any other office of District Magistrate.
15. That permission from the receiving country (Article 5 or17 of the Hague Adoption Convention) are already enclosed in the application.
16. That the Central Adoption Resource Authority has already issued Pre-approval letter on ----------(copy enclosed)
17. That the Applicants understand that the adopted child shall become the lawful child of the applicants with all the rights, privileges and responsibilities that are attached to a biological child.

18. The Applicant(s), therefore, pray that:

(a) The above named child may please be given in adoption to the applicants and the applicants be declared as the parents of the said minor for all purposes allowedby the law.

(b) Birth Certificate Issuing Authority (name and place) may please be directed to issue Birth Certificate for the said child or children within five days fromthe date of application, as provided in regulation 40 of the Adoption Regulations.

(c) The Regional Passport Office concerned may please be directed to issue Passport for the said child or children within ten days from the date of application, as per the provisions of regulation 19(4) and 42 of Adoption Regulations.

VERIFICATION

I or We, Mr. or Mrs. ……., do hereby state on oath and solemnly affirm that the contents of this Application are true and correct to the best of my or our knowledge and belief and the information and documents presented with this Application are genuine.

PROSPECTIVE ADOPTIVE PARENTS	
NAME	SIGNATURE

Photograph of the biological parents	Photograph of the child	Photograph of the adoptive parents

Index

S. No.	Documents to be annexed as provided in Schedule VI & IX of the AdoptionRegulations	**Reference**	**PageNo.**

Application has been scrutinised and submitted for perusal of the District Magistrate.

District Child Protection Officer(Name & signature with seal, Place & date)

SCHEDULE XXXII

[See section 39(1), 56(1) & regulation 55(7) and 59(5)]

MODEL APPLICATION FOR ADOPTION OF CHILD (REN) BY STEP & BIOLOGICALPARENT

[To be filed by the biological and step parent]

1. Application No._____/ Year
2. Regd. Number of prospective adoptive parents on the Designated Portal:
3. Name and address of the District Child Protection Unit:
4. Application in the matter of adoption of the child:……(male or female or other, DOB: ……) under section 56(1), 39(1) and 57(5) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 read with regulations 55 and 59 (5) of the Adoption Regulations.

Prospective adoptive parents (Applicant)

Mr.……S/o……Aged about……. Years, Citizen of ……..., Occupation:…… Permanent Residentialaddress:.....

Mrs.……W/o…… Aged about……. Years, Citizen of ……..., Occupation:…… Permanent Residentialaddress:.....

Natural or Biological Parents (Applicant)

Mr.……S/o……Aged about ……. Years, Citizen of ……..., Occupation:…… Permanent Residentialaddress:.....

Mrs. ……W/o…… Aged about ……. Years, Citizen of ……..., Occupation:…… Permanent Residentialaddress:.....

[please strike out which is not applicable.]

The Applicants most respectfully submit before the District Magistrate asunder:-

1. That the Applicants are biological parent and step-parent (legally wedded spouse of the biological parent) of the child or children with details as given in **Schedule XX.**
2. That the Applicants are resident of_____.
3. That the child or children_____(Male or Female or Other)
   and Date of Birth(s)_____was or were born to the natural parents (biological parent)_____and____on____and they are resident of_____.
4. That the biological parent is desirous of sharing the legalrelationship of the child or children with the spouse adopting the child or children, being legally married to him or her.
5. That the consent of the other biological parent has been obtained or the other biological parent is deceased. (Strike out whatever is not applicable)
6. That the biological parent and step-parent adopting the child or children understand that the adoption of the child or children shall create a permanent parent-child relationship with them.
7. That the consent(s) as required for adoption in **Schedule XX** of the Adoption Regulations are annexed with the Application.
8. That the child(ren) proposed to be adopted is a or are minor(s) (below five years)who

is or are not able to express their or their views.

Or

That the child proposed to be adopted has also given his or her consent for the said adoption and is willing to accept the Applicants as parents.

9. That the conditions laid down in section 61 (1) of the Juvenile Justice Act (2 of 2016) have been complied with in the case of the proposed adoption.

10. That there is no litigation for custody of the said child or children in any Court of Law within the country or overseas.

11. That the Applicants have not filed any other Application for the adoption of the said child or children in any other office of District Magistrate within the country.

12. That the Applicants understand that the adopted child or children shall become the lawful child or children of the applicants with all the rights, privileges and responsibilities that are attached to a biological child or children.

13. The child ordinarily resides within the jurisdiction of the District Magistrate and hence the Magistrate has jurisdiction to pass adoption order as per the provisions of section 61 of the Juvenile Justice Act.

14. **The Applicant(s), therefore, pray that:**

(a) The legal relationship of father or mother of above named child or children may please be transferred to the step-parent (applicant) adopting the child or children along with the biological mother or father (applicant) and they be declared as the parents of the said minor for all purposes allowed by the law.

(b) The Birth Certificate Issuing Authority (name and place) may please be directed to issue or modify the Birth Certificate for the said child or children within five days from the date of application, as provided in regulation 40 of Adoption Regulations.

Place: APPLICANTS

Date:

Photograph of the biological mother or fatheror both as the case may be	Photograph of the child	Photograph of the adoptive mother or father or both as the case may be

VERIFICATION

I or We, Mr. or Mrs. ……., do hereby state on oath and solemnly affirm that the contents of this Application are true and correct to the best of my or our knowledge and belief and the information and documents presented with this Application are genuine.

PROSPECTIVE ADOPTIVE PARENTS (Biological Parent and Step-Parent)	
NAME	SIGNATURE

Index

S. No.	Documents to be annexed as provided in Schedule VI & IX of the AdoptionRegulations	Reference	PageNo.

Application has been scrutinised and submitted for perusal of the District Magistrate.

District Child Protection Officer(Name & signature with seal, Place & date)

SCHEDULE XXXIII

[See regulations 36(2)]

FORMAT OF ADOPTION ORDER

Office of the District Magistrate

District: State:

Before the District Magistrate at_____.

Adoption Application No._____Year_____

Regd. Number of prospective adoptive parents on the Designated Portal:

Type of adoption order (Please put a √ mark)

1. In-country adoption of orphan or abandoned or surrendered child or children under section 56(1),58 and 61 of Juvenile Justice (Care and protection of Children) Amendment Act, 2021 read with regulations 10,11,12 and 13 of the Adoption Regulations 2022. ☐

2. Inter-country adoption of orphan or abandoned or surrendered child or children under section 56(4), 59, and 61 of the Juvenile Justice (Care and protection of Children)Amendment Act, 2021 read with regulations15, 16, 17 and 18 of the Adoption Regulations 2022. ☐

3. In-country adoption of a relative under section 2(52),56(2) and 61 of the Juvenile Justice (Care and protection of Children)Amendment Act, 2021 read with regulation 54 of the Adoption Regulations 2022. ☐

4. Inter-country relative (family or step) adoption under section 2(52), 60 and 61 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 read with Regulations 56, 57, 58 and 59 of the Adoption Regulations 2022. ☐

5. In-country step child adoption under section 39(1), 56(1) and 57(5) and 61 of the Juvenile Justice(Care and protection of Children)Amendment Act, 2021 read with regulation 55 of the Adoption Regulations 2022. ☐

Part 1

(a) Name & address of the Applicant(s) [Prospective adoptive parents]:

(b) Appointed Power of Attorney holder in cases of inter-country adoption(if applicable):

(c) Name and address of the recognised Specialised Adoption Agency (not applicable incase of relative or step child adoption):

(d) Name and address of the Child Care Institution in case it is linked with therecognised Specialised Adoption Agency (wherever applicable):

(e) Name & address of the biological parents in cases of relative or step child adoption (if applicable):

(f) Name & address of the District Child Protection Unit:

(g) State Adoption Resource Agency:

(h) Name & address of the Authorised Adoption Foreign Agency or CentralAuthority or Govt. Deptt or Indian Mission in cases of inter-country adoption:

Part 2

(a) That the adoption application has been filed by the Specialised Adoption Agency--------- through the District Child Protection Unit---------on ----------and documents stipulated in the check list as provided in **Schedule IX** read with **Schedule VI** of the Adoption Regulations have been duly verified**.[In case of relative or step child adoption, the application has to be directly moved by the District Child protection Unit.]**

(b) That the applicants have filed an affidavit to give a new name to the child and the name suggested is---------- and accordingly the child shall be known by the name ------ instead of---------- (if applicable).

(c) That the adoption is complete now in all respect and accordingly I allow the adoption in the case of child----------(Male or Female or Other) DOB----------(Certified by the Child Welfare Committee as Legally Free for Adoption) with the prospectiveadoptive parents having registration number ----------:

(i) The prospective adoptive parents namely---------- have been found eligible and suitable to adopt [on the basis of Adoption Committee minutes in the case of in-country adoption or No Objection Certificate issued by the Central Adoption Resource Authority, New Delhi in the case of adoption of non-resident Indian, Overseas Citizen of India Cardholder, or Foreign prospective adoptive parents];

(ii) Due consideration has been given to the wishes of the child (in case the childis over five years);

(iii) Due procedure has been followed as provided in the Juvenile Justice (Care & Protection of Children) Amendment Act 2021 and the Adoption Regulations 2022.

(iv) As per section 63 of the Juvenile Justice Care & Protection of Children) Amendment Act 2021, the child-------by name ,DOB-----in respect of whom an adoption order is issued today, i.e.-------, shall become the child of the adoptive parents----------, and the adoptive parents shall become the parents of the child as if the child had been born to the adoptive parents, for all purposes, including intestacy, with effect from the date on which the adoption order takes effect, and on and from such date all the ties of the child in the family of their birth shall stand severed and replaced by those created by the adoption order in the adoptive family.

(v) The local registrar notified under the Registration of Births and Deaths Act 1969 (18 of 1969) is directed to issue birth certificate within five days in favour of the adopted child on an application filed by the Specialised Adoption Agency or adoptive parents, incorporating the names of the adoptive parents as parents and the date of birth of the child as mentioned in the adoption order, in accordance with circulars issued from time to time by the Registrar General of India.

(vi) In case the child is an orphan, abandoned or surrendered child, the status of the child must be updated on the Designated Portal by the Specialised Adoption Agency or District Child protection Unit while in all other cases the order has to be uploaded by the District Child Protection Unit concerned.

Signature

Name of the District Magistrate

Date:

Office address & Seal

Copy to all concerned

[In case of relative adoption or step-parent adoption, application shall be filed by District Child Protection Unit only and the adoption order can be modified accordingly)

SCHEDULE XXXIV

[See regulations 36(10)]

FORMAT OF ADOPTION DISSOLUTION ORDER

Office of the District Magistrate

District: State:

Before the District Magistrate at_____.

Adoption Application No._____Year.

Regd. Number of prospective adoptive parents on the Designated Portal:

Type of adoption order (Please put a √ mark)

1. In-country adoption of orphan or abandoned or surrendered child or children under section 56(1), 58 and 61 of Juvenile Justice (Care and protection of Children) Amendment Act, 2021 read with regulations 10,11,12 and 13 of the Adoption Regulations 2022. ☐

2. Inter-country adoption of orphan or abandoned or surrendered child or children under section 56(4), 59, and 61 of the Juvenile Justice(Care and protection of Children)Amendment Act, 2021 read with regulations15, 16, 17 and 18 of the Adoption Regulations 2022. ☐

3. In-country adoption of a relative under section 2(52),56(2) and 61 of the Juvenile Justice (Care and protection of Children)Amendment Act, 2021 read with regulation 54 of the Adoption Regulations 2022. ☐

4. Inter-country relative (family or step) adoption under section 2(52), 60 and 61 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 read with Regulations 56, 57, 58 and 59 of the Adoption Regulations 2022. ☐

5. In-country step child adoption under section 39(1) , 56(1) and 57(5) and 61 of the Juvenile Justice(Care and protection of Children)Amendment Act, 2021 read with regulation 55 of the Adoption Regulations 2022. ☐

Part 1

(a) Name & address of the Applicant(s) [Prospective adoptive parents]:

(b) Power of Attorney holder in cases of inter-country adoption(if applicable):

(c) Name and address of the Specialised Adoption Agency (not applicable in case of relative or step child adoption):

(d) Name and address of the Child Care Institution in case it is linked with the Specialised Adoption Agency (wherever applicable):

(e) Name & address of the biological parents in cases of relative or step child adoption(if applicable):

(f) Name & address of the District Child Protection Unit:

(g) State Adoption Resource Agency:

(h) Name & address of the Authorised Foreign Adoption Agency or Central Authority or Govt. Deptt or Indian Mission in cases of inter-country adoption:

Part 2

(a) The adoptive parents___adopted the child_____(Name)_, (Male or Female or Other),

_____(Date of Birth) vide adoption orderdated_____from_____(the name of the Specialised Adoption Agency and the Child Care Institution in case the child happens to be an orphan or abandoned or surrendered child), and have filed an adoption termination application on------.

(b) The adoptive parents have been counselled on ---- and ------ and they appeared before me on with reference to their adoption dissolution application.

(c) The reasons of dissolution can be attributed to the fact that----------
---

(d) I terminate the adoption order issued on ---- as the adoptive relationship is no longer in the child's best interest and the adoptive parents and the child are not pulling on well.

(e) The prospective adoptive parents Mr.--------- & Mrs.---------- are not recommended toadopt another child for the reason stated below:

(f) In case the child is an orphan, abandoned or surrendered child, the status of the child must be updated on the Designated Portal by the Specialised Adoption Agency or District Child protection Unit within a period of three days after completion of necessary counselling [In all other cases the order has to be uploaded by the District Child Protection Unit concerned].

SignatureName of the District Magistrate

Date Office Address with Seal

Contact No:

Copy to all concerned

SCHEDULE XXXV

[See regulations 67(1), 67(2) and 69(4)]

VERIFICATION CERTIFICATE IN CASE OF ADOPTION CONCLUDED UNDER THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956 (78 OF 1956)

Office of the District Magistrate

District: State:

Sub.: Verification Certificate as required under the Regulations for inter-country adoptions under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956) in respect of child_____, sex (Male or Female or other), DoB-_____

This is to certify that as per the adoption deed registered under the Registration Act, 1908 (16 of 1908), the child_____by name has been adopted by----------, who are habitually residing in _____from the biological parents or guardian----------resident of----------.

2. That after examining the parties and the witnesses, I conclude the following:

(a) The adoption recorded in the deed of adoption has been made in accordance with the provisions of the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956) including the sourcing of the child, the eligibility and suitability of the adoptive parents.

(b) The adopted child or the biological parents are not under any duress whilegiving the child in adoption.

(c) The adoption had been concluded with mutual consent of all parties concerned.

(d) There has been no monetary consideration involved in the adoption process and the adoption is in the best interest of the child.

3. I have verified requisite information supporting the adoption and recommend thecase to Central Adoption Resource Authority for necessary action.

Name of the District Magistrate
Office Address with Seal
Contact No:

Director (Programme)
Central Adoption Resource Authority
West Block- 8, RK Puram, New Delhi- 110066

Copy for information:
1. District Registrar of Birth and Death
2. State Adoption Resource Agency
3. District Child Protection Unit

SCHEDULE XXXVI

[See regulations 68(5) and 69(4)]

FAMILY BACKGROUND REPORT UNDER THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956 (78 OF 1956)

Check list for District Magistrate for verification of adoption done under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956) **(Please put √ mark on the box asindicated below)**

1. **Biological parents are Hindus (As per section 2 of the Hindu Adoptions and Maintenance Act, 1956):** ☐
2. **Adoptive parents are Hindu (As per section 2 of the Hindu Adoptions andMaintenance Act, 1956) :** ☐
3. **Eligibility of adoptive male Hindu (As per section 8 of the Hindu Adoption and Maintenance Act, 1956):** ☐
   - ☐ is of sound mind
   - ☐ is not a minor.
   - ☐ has the capacity to take a son or a daughter in adoption.
   - ☐ consent of his wife has been taken (unless the wife has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind).

4. **Eligibility of adoptive female Hindu (As per section 8 of the Hindu Adoptionsand Maintenance Act, 1956) :**
   - (a) is of sound mind.
   - (b) is not a minor.
   - (c) has the capacity to take a son or a daughter in adoption.
   - (d) not married, or if married, whose marriage has been dissolved or whose husband is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdictionto be of unsound mind, has the capacity to take a son or daughter in adoption.
5. **Capable of giving in adoption under HAMA (As per section 9 of the HinduAdoptions and Maintenance Act, 1956):**

(a) **Father** with consent of the mother unless the mother has completely and finally renounced the world or has ceased to be a Hindu or has been declaredby a court of competent jurisdiction to be of unsound mind.

(b) **Mother** if the father is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.

(c) **Guardian** of a child shall have the capacity to give the child in adoption.

6. **Eligibility of Child for adoption** (**As per section 10 of the Hindu Adoptions and Maintenance Act, 1956) :**

(a) he or she is a Hindu.

(b) he or she has not already been adopted.

(c) he or she has not been married, unless there is a custom or usage applicableto the parties which permits persons who are married being taken in adoption.

(d) he or she has not completed the age of fifteen years, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years being taken in adoption.

7. **Other conditions for a valid adoption (As per section 11 of the Hindu Adoptions and Maintenance Act, 1956) :**

(a) if the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son, son‘s son or son‘s son‘s son (whether by legitimate blood relationship or by adoption) living at the time of adoption.

(b) if the adoption is of a daughter the adoptive father or mother by whom theadoption is made must not have a Hindu daughter or son's daughter(whether by legitimate blood relationship or by adoption)living at the time of adoption.

(c) if the adoption is by a male and the person to be adopted is a female, the adoptive father is at least twenty-one years older than the person to be adopted.

(d) if the adoption is by a female and the person to be adopted is a male, the adoptive mother is at least twenty-one years older than the person to be adopted.

(e) the same child is not adopted by any other person.

(f) the child to be adopted must be actually given and taken in adoption by the parents or guardians concerned under their authority with intent to transfer the child from the family of its birth.

Signature

Date

Name of the District Magistrate

Address with Seal

Contact No.

[F. No. CW-II-26/37/2021-CW-II]

TRIPTI GURHA, Jt. Secy.

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ALOK KUMAR Digitally signed by ALOK KUMAR Date: 2022.09.27 12:05:50 +05'30'

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-05

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 40 ಕೇನಿಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 04.02.2023.

ದಿನಾಂಕ: 26.09.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Major Port Authorities (Chairperson, Deputy Chairperson and Board Members) Rules, 2022ರ Notification-GSR 727(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF PORTS, SHIPPING AND WATERWAYS

NOTIFICATION

New Delhi, the 26th September, 2022

G.S.R. 727(E).—In exercise of the power conferred by sub-sections (1), (2) and (3) of section 4 and sub-section (2) of section 5 read with sub-section (2) of section 71 of the Major Port Authorities Act, 2021, (1 of 2021) the Central Government hereby makes the following rules regulating the appointment of Chairperson, Deputy Chairperson and Members of the Major Port Authorities, namely:-

1. **Short title and commencement. —** (1) These rules may be called the Major Port Authorities (Chairperson, Deputy Chairperson and Board Members) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Application. —** These rules shall apply to the Major Ports mentioned under sub-section (3) of section 1 of the Major Port Authorities Act, 2021 (1 of 2021).

3. **Definitions. —** (1) In these rules, unless the context otherwise requires, -

(a) **"Act"** means the Major Port Authorities Act, 2021 (1 of 2021);

(b) **"Schedule"** means Schedule annexed to these rules.

(2) Words and expressions used and not defined in these rules but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

4. **Qualification for appointment of Chairperson, Deputy Chairperson and Members of the Board of Major Port Authority. —** (1) A person shall not be qualified for appointment as the Chairperson or the Deputy Chairperson of the Board of a Major Port Authority, unless he is a serving officer in the Central Services or All India Services or Union territory Administration or the Major Port and meets the qualifying criteria as prescribed in the **Schedule**.

(2) A person shall not be eligible for appointment as Member under clause (c) of sub-section (1) of section 3 of the Act unless he is a serving Government officer not below the rank of a,-

(a) Secretary to the State Government (if he is a nominee of State Government in which the Major Port is situated);

(b) Chief Freight Transport Manager (if he is a nominee of the Ministry of Railways);

(c) District Commander or Deputy Inspector General (Coast Guard), Naval in-charge of the State or Commodore (if he is a nominee of the Ministry of Defence);

(d) Commissioner of Customs (if he is a nominee of the Customs, Department of Revenue).

(3) A person shall not be qualified for appointment as an Independent Member under clause (d) of sub-section (1) of section 3 of the Act unless he is a person of integrity and has adequate knowledge and professional experience of not less than fifteen years in,-

(i) management;

(ii) administration; or

(iii) planning or development in the port, shipping or maritime sector.

(4) A person shall not be qualified for nomination or appointment as a Member under clause (e) of sub-section (1) of section 3 of the Act unless he is a serving Government officer not below the rank of a Director.

(5) A person shall not be qualified for appointment as a Member under clause (f) of sub-section (1) of section 3 of the Act unless he is a serving employee of the Major Port Authority.

5. **Method of Appointment of Chairperson and Deputy Chairperson of Board. —** (1) The Chairperson and Deputy Chairperson of the Board shall be appointed by the Central Government on the recommendation of

the Civil Service Board. The Civil Service Board shall recommend persons for appointment of Chairperson from amongst persons on the list of candidates prepared by it after inviting applications thereof and the Chairperson shall be appointed after approval of the Appointments Committee of Cabinet.

(2) In the case of appointment of Deputy Chairperson of the Board, the Civil Service Board shall recommend persons amongst the list of candidates prepared by it after inviting applications thereof.

(3) The Deputy Chairperson of the Board shall be appointed after receiving the approval by the Minister in-charge of the Ministry of Ports, Shipping and Waterways.

(4) The Civil Service Board may devise its own procedure for short-listing suitable candidates for the appointment of Chairperson and Deputy Chairperson of the Board.

(5) The Appointments Committee of Cabinet and the Minister in-charge of the Ministry of Ports, Shipping and Waterways, as the case may be, shall notify the selected persons for appointment as the Chairperson and Deputy Chairperson of the Board respectively:

Provided that the Appointments Committee of Cabinet and the Minister in-charge of the Ministry of Ports, Shipping and Waterways in respect of the recommendations of persons for the post of Chairperson and Deputy Chairperson respectively, shall be entitled to return the names recommended by the Civil Service Board along with reasons for reconsideration and the request for submission of fresh names by the Civil Service Board.

6. Method of Appointment of Members of the Board of Major Port Authority. — (1) The appointment of Members under clause (c) of sub-section (1) of section 3 of the Act shall be made by the Central Government in the following manner, namely,-

(a) the Central Government shall by way of a communication in writing require each of the State Government in which the Major Port is situated, Ministry of Railways, Ministry of Defence and the Customs, Department of Revenue, Ministry of Finance to nominate qualified persons as per sub-rule (2) of rule 4 for appointment as Member of the Board;

(b) the Central Government shall, after satisfying itself with the eligibility of the persons nominated by the respective authorities as mentioned in clause (a), issue an order in respect of persons selected for appointment as the Members under clause (c) of sub-section (1) of section 3 of the Act;

(c) the persons appointed as Members of the Board from the date mentioned by the Central Government in the order.

(2) The appointment of Independent Members under clause (d) of sub-section (1) of section 3 of the Act shall be made by the Central Government in the following manner, namely,-

(a) the Central Government shall invite applications from the eligible persons meeting the qualification criteria mentioned in sub-rule (3) of rule 4;

(b) on receipt of the applications under clause (a), the Central Government shall, after satisfying itself with the eligibility of such persons, appoint the Independent Members under clause (d) of sub-section (1) of section 3 of the Act;

(c) the Members appointed under clause (b) shall be deemed to be appointed as Independent Members of the Board from the date mentioned by the Central Government in the order.

(3) The nomination of the Member under clause (e) of sub-section (1) of section 3 of the Act shall be made by the Central Government and the person nominated shall be deemed as the Member of the Board from the date on which the order is passed by the Central Government for such period as mentioned in the order.

(4) The appointment of the Members under clause (f) of sub-section (1) of section 3 of the Act shall be made by the Central Government in the following manner, namely,-

(a) the Central Government shall for the purpose of obtaining the opinion of the trade unions under sub-section (3) of section 4 of the Act, direct the Board of the concerned Major Port Authority to obtain names of qualified persons as per sub-rule (5) of rule 4 for their appointment as Members of the Board under clause (f) of sub-section (1) of section 3 of the Act; from the recognised trade unions having highest and second highest representation of current employees employed by the concerned Major Port Authority;

(b) the identification of the trade unions having highest and second highest representation of current employees and the process for obtaining names by the concerned Major Port Authority shall be done in accordance with the procedures as devised by the Board of the concerned port in consultation with registered trade unions, if any, composed of persons employed in the Major Ports and made applicable to Major Port from time to time;

(c) the Central Government shall, after satisfying itself with the eligibility of the trade union nominated person, issue an order in respect of person nominated for appointment as the Member under clause (f) of sub-section (1) of section 3 and forward a copy of the said order with the concerned Major Port Authority in respect of which the said appointment is made;

(d) the person nominated by recognised trade unions, as per procedure provided under clause (b) and approved by the Central Government by way of an order under clause (c) shall be deemed to be appointed as the Member under clause (f) of sub-section (1) of section 3 from the date mentioned in the said order by the Central Government;

(e) in case the person nominated by trade unions under clause (a) is found ineligible by the Central Government or is disqualified on account of the provisions of sub-section (1) of section 5 of the Act, the Central Government shall communicate its decision to the concerned Major Port Authority and obtain fresh nominations from the trade unions in manners provided under clause (b).

7. Resignation of Members. — (1) The resignation of the Chairperson, Deputy Chairperson or Member of the Board in terms of section 8 of the Act shall take effect from the date on which such resignation is accepted by the Central Government, thereafter the post shall be deemed to have been vacated.

(2) The communication of acceptance of resignation under sub-rule (1) shall be communicated by the Central Government to the concerned Major Port Authority in which such person was appointed as the Chairperson, Deputy Chairperson or Member, as the case may be.

8. Procedure for Appointment of Members in case of vacancy. — (1) In the case of a vacancy in the office of a Chairperson, Deputy Chairperson or Member of the Board caused by the expiration of the term of office, the Chairman of the Board shall inform the Central Government and the concerned nominating authority about such vacancy three months prior to the date of expiration of the term of such Member and the appointment to fill such vacancy shall be made by the Central Government within the said period of three months.

(2) In the case of a vacancy in the office of a Chairperson, Deputy Chairperson or Member of the Board caused by reason of his death, resignation, disqualification or inability to discharge his functions owing to illness or other incapacity, the Chairperson or in his absence the Deputy Chairperson or any other authorised officer of the concerned Major Port Authority shall inform the Central Government about such vacancy within seven days of the vacancy caused and the appointment to fill such vacancy shall be made by the Central Government within three months from the date of such information.

9. Procedure for conducting inquiry for removal of Chairperson, Deputy Chairperson and Members of the Board. — (1)The Central Government shall, prior to removal of the Chairperson, Deputy Chairperson or any Member from his position on the Board on grounds mentioned in sub-section (2) of section 5 of the Act, conduct an inquiry following the procedure in accordance with,-

(a) relevant and applicable All India Services Rules or Regulations in force at the time of conduct of inquiry in respect of officers belonging to All India Services;

(b) relevant and applicable Central Services Rules or Regulations in force at the time of conduct of inquiry in respect of officers belonging to Central Services;

(c) relevant and applicable Central Civil Services Rules or Regulations in force at the time of conduct of inquiry in respect of the officers belonging to Port Services:

Provided that no order for such removal from the Board shall be passed against the Chairperson, Deputy Chairperson or any Member of the Board unless he has been given an opportunity of being heard.

(2) The inquiry process under sub-rule (1) shall be without prejudice to the power vested with the Central Government under sub-section (3) of section 5 of the Act as well as the right of the Central Government to pass an order for withdrawal, transfer, replacement or substitution of the Chairperson, Deputy Chairperson or any Member of the Board against whom the inquiry is contemplated.

10. Communication of removal of Chairperson, Deputy Chairperson and Members to the Major Port Authority. —The removal of the Chairperson, Deputy Chairperson or Member of the Board in terms of the Act shall be communicated by the Central Government to the concerned Major Port Authority in which such person was appointed as the Chairperson, Deputy Chairperson or Member, as the case may be.

11. Salary, allowances and other benefits payable to Chairperson and Deputy Chairperson.—Any person, who on the date of his appointment to the office of the Chairperson or Deputy Chairperson of the Board of a Major Port Authority is in the service of the Central or a State Government or a Union territory Administration or a Major Port shall, during the period he holds such office, continue to receive his salary, allowances and other benefits in accordance with the rules applicable to him under that service.

12. Salary, allowances and other benefits payable to Members of the Board. —Any person appointed as the Member of the Board under clauses (c), (d), (e) and (f) of sub-section (1) of section 3 of the Act shall not be paid any salary, allowances and other benefits for such appointment:

Provided that the Independent Members shall be paid such honorarium by the Board for attending meetings of the Board or any committee thereof or for any other work of the Board as may be fixed by the Central Government:

Provided further that in addition to the honorarium, the Independent Members shall be given such privileges or reimbursement of actual expenses incurred by him towards travel, boarding, lodging and other out-of-pocket expenses for attending meetings of the Board or any committee thereof or for any official tour or other work of the Board in which he is so appointed, as the Board may decide and approve from time to time.

13. Service conditions of Chairperson, Deputy Chairperson or Members of special status.—Without prejudice to any of the provisions in these rules, the Central Government may by an order, if it is considered necessary, sanction specific salaries, allowances and other facilities to the Chairperson, Deputy Chairperson or a Member of the Board in accordance with any special status that may be conferred on the incumbent.

14. Chairperson, Deputy Chairperson and Members of the Board to be deemed as public servants.—The Chairperson, Deputy Chairperson and Members of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

15. Residuary provisions. —Matters related to the terms and conditions of service of the Chairperson, Deputy Chairperson and Members of the Board with respect to which no express provision has been made in these rules shall be referred in each case by the Major Port Authority to the Central Government for its decision and the decision of the Central Government thereon shall be final.

16. Declaration of financial or other interest.—Every person nominated or appointed to the office of the Chairperson, Deputy Chairperson or Member of the Board shall, furnish to the Board a declaration in Form annexed to the rules.

17. Power to relax rules. —Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

SCHEDULE

(See rule 4)

Eligibility criteria for appointment to the posts of Chairperson and Deputy Chairperson in Major Port Authorities:

Post	**Officers serving in the All India Services or Central Services or Union territory Administration**	**Port officers including the employees of Kamarajar Port Limited***
Chairperson, Category I Ports	Officers empanelled to hold Joint Secretary or equivalent posts at the Centre under Central Staffing Scheme.	Officer having an experience of a minimum: (i) three years as Chairperson in Category-II Port; or (ii) four years combined service as Deputy Chairperson of Category-I Port or above level post; or (iii) five years combined service as Deputy Chairperson in Category-II Port or above level post.
Chairperson, Category II Ports		Officer having an experience of a minimum: (i) two years as Deputy Chairperson in Category-I Port; or (ii) three years combined service as Deputy Chairperson in Category-II Port or above level post.
Deputy Chairperson, Category I Ports	Officers who have put in not less than thirteen years of regular service in Group 'A'.	Officer having an experience of a minimum: (i) two years as Deputy Chairperson in Category-II Port; or (ii) six years combined service as Head of Department or above level post in any Major Port Authority: provided that the officer has rendered at least one year's regular service as Deputy Chairperson in Category II Port; or (iii) nine years as Head of Department of any Major Port Authority.
Deputy Chairperson, Category II Ports	Officers who have put in not less than nine years of regular service in Group 'A'.	Officer having an experience of a minimum five years as Head of Department of any Major Port Authority.

Note:

(1) *The employees of Kamarajar Port Limited holding equivalent posts with corresponding pay scale and length of service will be eligible for consideration.

(2) The Posts of Chairperson and Deputy Chairperson shall be of Selection Posts for which the benchmark in overall grading of Annual Performance Appraisal Reports for last five years should not be below 'Very Good'.

(3) Applicants with left over service of two years or more (as on the date of arising of vacancy or closing date of submission of applications, whichever is later) shall only be considered for appointment.

Form

(See rule 16)

Declaration against acquisition of any adverse financial or other interest

I, _____, having been nominated / appointed *[cross out portion not applicable]* as the Chairperson / Deputy Chairperson / Member *[cross out portion not applicable]* of *[Insert name of the Major Port Authority]*, do solemnly affirm and declare that

a. I am neither ineligible nor disqualified to hold the office of Chairperson / Deputy Chairperson / Member *[cross out portion not applicable]*of the said Major Port Authority; and

b. I do not have, nor shall have in future any financial or other interest including conflict of interest which is likely to affect prejudicially my functioning as the Chairperson / Deputy Chairperson / Member *[cross out portion not applicable]*, of the said Major Port Authority.

Signature:

Place:

Name:

Designation:

Date:

[F. No. PD-24015/59/2021-PD-I]

SUSHIL KUMAR SINGH, Jt. Secy.

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ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
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PR-06

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 41 ಕೇನಿಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 04.02.2023.

ದಿನಾಂಕ: 12.09.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Integrated Nutrition Support Programme – Saksham Anganwadi and Poshan (2.0), Rules, 2022ರ Notification-GSR 766(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 12th September, 2022

G.S.R. 766(E).—WHEREAS vide notification No. G.S.R. 149(E), dated 20th February, 2017, the Supplementary Nutrition (under the Integrated Child Development Services Scheme) Rules, 2017 were notified by the Government of India, Ministry of Women and Child Development with a view to provide nutritional standards to pregnant women and lactating mothers under the provisions of the National Food Security Act, 2013;

AND WHEREAS Streamlined Guidelines on quality assurance were framed by the Government of India, Ministry of Women and Child Development, vide its order dated 13th January, 2021, to ensure transparency in procurement, integration of AYUSH concepts and data management and monitoring through

"Poshan Tracker" for transparency, efficiency and accountability in delivery of supplementary nutrition;

AND WHEREAS in the light of the aforesaid guidelines, the Government of India, Ministry of Women and Child Development, vide its order dated 28th June, 2021 had rescinded the rules referred to in the first paragraph;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) read with clause (b) of sub-section (2) of section 39 of the National Food Security Act, 2013 (20 of 2013**),** except as respects things done or omitted to be done before such rescission, the Central Government in consultation with the State Governments and Union Territory Administrations, hereby makes the following rules to regulate the entitlements specified under the provisions of the said Act for every pregnant woman and lactating mother, till six months after child birth and every child in the age group of six months to six years, namely:-

1. **Short title and commencement**- (1) These rules may be called the Integrated Nutrition Support Programme – Saksham Anganwadi and Poshan (2.0), Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Application:-** These rules shall apply to every pregnant woman and lactating mother till six months after child birth and every child in the age group of six months to six years (including those suffering from malnutrition) for three hundred days in a year, as per the nutritional standards specified in Schedule II to the National Food Security Act, 2013 (20 of 2013).

3. **Definitions:- (1)** In these rules, unless the context otherwise requires,

(a) "Act" means the National Food Security Act, 2013;

(b) "intended beneficiaries" means those beneficiaries who are registered at an Anganwadi Centre with Aadhar identification to receive Supplementary Nutrition. Aadhar details of child beneficiaries are not mandatory and in case the child does not have Aadhar, the benefits of the program shall be delivered using the Aadhar identification of the parent or guardian;

(c) "Central Government" means the Government of India

(d) "nutrition" means supplementary nutrition which aims at providing quality protein and essential macro and micro-nutrients;

(e) "Take Home Ration" for the purpose of Supplementary Nutrition should be made using locally available staple cereals and millets, pulses and legumes, nuts and oilseeds, ensuring that refined sugar does not exceed permissible limits. Take Home Ration should be in the form of a processed mixture of various food ingredients (not raw ration), which when consumed by a child or Pregnant Woman and Lactating Mother meets the recommendation for calories, proteins and micro nutrients (Calcium, Zinc, Iron, Dietary Folate, Vitamin A, Vitamins B6, B12 and D) and such Ration should be tested in Food Safety and Standards Authority of India approved laboratories to ensure that the norms of macro and micro nutrients recommended or bench-marked for the different categories of Supplementary Nutrition beneficiaries are maintained. Raw Ration as Take-Home Ration is not permissible and the Take-Home-Ration as mentioned under National Food Security Act, 2013 shall not be misconstrued as 'raw ration';-

(2) The words and expressions used herein and not defined in these rules but defined in the National Food Security Act, 2013 and the Food Safety Standards Act, 2006 shall have the meanings respectively assigned to them in those Acts.

4. Nutritional Standards: – The detailed standards of nutrition to be supplied to the beneficiaries would be as per the provisions of the Act.

5. Procurement and Quality of Nutrition:– (1) The State or Union Territory must introduce transparent process for procurement as per General Financial Rules, 2017 and Vigilance Guidelines and other norms issued from time to time by the Government of India and ensure that Take-Home Ration procured conforms to nutritional norms set by the Government of India.

(2) The States or Union Territories shall ensure that the quality of Supplementary Nutrition items procured is as per the food safety norms as well as nutrient composition. Supplementary Nutrition must conform to prescribed standards as laid down under the Food Safety and Standards Act, 2006 and regulations made thereunder to ensure consistent quality and nutritive value per serving and the periodicity of sample testing shall be once in a quarter of annual year, per project.

(3) Take-Home Ration shall be tested from Food Safety and Standards Authority of India owned or registered or empanelled and National Accreditation Board for Testing and Calibration Laboratories accredited laboratory and random testing must be conducted by Anganwadi Services functionaries after receipt of stock at the Anganwadi Centre or at the Block level. Provided that in case of Hot

Cooked Meal, it should be ensured that it is prepared in proper kitchen sheds having adequate sanitation and safe drinking water so as to maintain hygienic conditions.

(4) Supply chain process in the States or Union Territories must be made transparent for functionaries to ensure uninterrupted supply to the last mile, which are compliant with Food Safety and Standards Authority of India registration-licensing process for entities involved in manufacture, storage and distribution of food to ensure food safety and hygiene.

(5) The States or Union Territories shall co-ordinate the activities of various departments through a State Level Steering Committee to ensure effective convergence between various schemes or programs having bearing on nutrition and review the progress made regarding Nutritional Indicators on regular basis.

(6) The States or Union Territories shall mandatorily and regularly input data into the Poshan Tracker Information and Communication Technology application.

(7) The States or Union Territories are required to adhere to Saksham Anganwadi and Poshan 2.0 Scheme guidelines with reference to integrating AYUSH concepts for holistic nourishment.

(8) The Scheme guidelines shall address the required changes warranted from time to time and shall be coextensive with the nutrition dynamics.

6**.** **T**he Central Government may, taking into consideration the nutritional requirements of beneficiaries, modify the cost norms from time to time.

7. **Rules not in derogation of any Scheme:-** The provisions of these rules shall be in addition to and not in derogation to any existing Scheme implemented by the Central Government.

[F. No. 22-3/2016-CD.III]

CAPT. PRABHANSHU SRIVASTAV, Dy. Secy.

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Date: 2022.10.06 22:44:00 +05'30'

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ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
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PR-07

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 42 ಕೇನಿಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 04.02.2023.

ದಿನಾಂಕ: 02.11.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the E-Waste (Management) Rules, 2022ರ Notification-GSR 801(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 2nd November 2022

G.S.R. 801(E).—Whereas the draft rules, namely the E-Waste (Management) Rules, 2022 were published by the Government of India in the Ministry of Environment, Forest and Climate Change, *vide* notification number S.O. 360 (E), dated the 19th May, 2022 in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS, the copies of the Gazette containing the said notification were made available to the public on the 19th day of May, 2022;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft notification within the said period have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, and in supersession of the E-waste (Management) Rules, 2016, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: -

CHAPTER I

PRELIMINARY

1. Short title and commencement. - (1) These rules may be called the E-Waste (Management) Rules, 2022.

(2) They shall come into force from the 1st day of April, 2023.

2. Application. - These rules shall apply to every manufacturer, producer refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, refurbishing, dismantling, recycling and processing of e-waste or electrical and electronic equipment listed in Schedule I**,** including their components, consumables, parts and spares which make the product operational but shall not apply to -

(a) waste batteries as covered under the Battery Waste Management Rules, 2022;

(b) packaging plastics as covered under the Plastic Waste Management Rules, 2016;

(c) micro enterprise as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); and

(d) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made there under.

3. Definitions. (1) In these rules, unless the context otherwise requires, -

(a) 'Act' means the Environment (Protection) Act, 1986 (29 of 1986);

(b) 'bulk consumer' means any entity which has used at least one thousand units of electrical and electronic equipment listed in Schedule I, at any point of time in the particular Financial Year and includes e-retailer;

(c) 'business' means manufacturing, production, assembling and import of electrical and electronic equipment as listed in Schedule I and refurbishing, recycling, disposal and treatment of e-waste;

(d) 'component' means one of the parts of a sub-assembly or assembly of which a manufactured product is made up of and into which it may be resolved and includes an accessory or attachment to another component;

(e) 'consumables' means an item, which participates in or is required for a manufacturing process or for functioning of the electrical and electronic equipment and may or may not form part of

end-product and Items which are substantially or totally consumed during a manufacturing process shall bedeemed to be consumables;

(f) 'dismantler' means any person or entity engaged in dismantling of used electrical and electronic equipment into their components and having authorisation from concerned State Pollution Control Board or Pollution Control Committee as per the guidelines of the Central Pollution Control Board;

(g) 'disposal and treatment' means any operation which does not lead to recycling, recovery or reuse and includes physicochemical or biological treatment, incineration and deposition in secured landfill;

(h) 'end-of-life' of the product means the time when the product is intended to be discarded by the user;

(i) 'environmentally sound management of e-waste' means taking all steps required to ensure that e-waste is managed in a manner which shall protect health and environment against any adverse effects, which may result from such e-waste;

(j) 'electrical and electronic equipment' means equipment which are dependent on electric current or electro-magnetic field in order to become functional and also the equipment for the generation, transfer and measurements of the electricity;

(k) 'e-retailer' means an individual or company or business entity that uses an electronic network such as internet, social media, telephone or any other media, to sell its goods;

(l) 'e-waste' means electrical and electronic equipment**,** including solar photo-voltaic modules or panels or cells, whole or in part discarded as waste, as well as rejects from manufacturing, refurbishment and repair processes;

(m) 'extended producer responsibility' means responsibility of any producer of electrical or electronic equipment as given in Schedule-I for meeting recycling targets as per Schedule-III and Schedule-IV, only through registered recyclers of e-waste to ensure environmentally sound management of such waste;

(n) 'facility' means any location wherein the process incidental to the collection, reception, storage, segregation, refurbishing, recycling, disposal and treatment of e-waste are carried out;

(o) 'historical e-waste' means e-waste generated from electrical and electronic equipment as specified in Schedule-I which was available on the date from which these rules come into force;

(p) 'manufacturer' means a person or an entity or a company as defined in the Companies Act, 2013 (18 of 2013) or a factory as defined in the Factories Act, 1948 (63 of 1948) or Small and Medium Enterprises as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006), which has facilities for manufacture of electrical and electronic equipment as specified in Schedule-I;

(q) 'orphaned products' means non-branded or assembled electrical and electronic equipment as specified in Schedule-I or those produced by a company which has closed its operations;

(r) 'part' means an element of a sub-assembly or assembly including its component, spares or accessory not normally useful by itself and not amenable to further disassembly for maintenance purposes;

(s) 'portal' means the online system developed by the Central Pollution Control Board for the purposes of these rules;

(t) 'producer' means any person or entity who, -

(i) manufactures and offers to sell electrical and electronic equipment and their components or consumables or parts or spares under its own brand; or

(ii) offers to sell under its own brand, assembled electrical and electronic equipment and their components or consumables or parts or spares produced by other manufacturers or suppliers; or

(iii) offers to sell imported electrical and electronic equipment and their components or consumables or parts or spares; or

(iv) who imports used electrical and electronic equipment;

irrespective of the selling technique used such as dealer, retailer, e-retailer, etc.;

(u) 'recycler' means any person or entity who is engaged in recycling and reprocessing of waste electrical and electronic equipment or assemblies or their components or their parts for recovery of precious, semi-precious metals including rare earth elements and other useful recoverable materials to strengthened the secondary sourced materials and having facilities as elaborated in the guidelines of the Central Pollution Control Board made in this regard;

(v) 'refurbisher' means any person or entity repairing or assembling used electrical and electronic equipment as listed in Schedule-I for extending its working life over its originally intended life and for same use as originally intended, and selling the same in the market;

(w) 'Schedule' means the Schedule appended to these rules;

(x) 'spares' means a part or a sub-assembly or assembly for substitution which is ready to replace an identical or similar part or sub-assembly or assemblyincluding a component or an accessory; and

(y) 'target' means the quantity of e-waste to be recycled through registered recycler by the producer in fulfilment of extended producer responsibility.

(2) Words and expressions used in these rules and not defined but defined in the Act shall have the same meanings as respectively, as assigned to them in the Act.

CHAPTER II

Extended Producer Responsibility Framework

4. Registration. - (1) The entities shall register on the portal in any of the following category, namely: -

(a) manufacturer;

(b) producer;

(c) refurbisher; or

(d) recycler.

(2) In case any entity falls in more than one categories under sub-rule (1), then the entity shall register under those categories separately.

(3) No entity referred in sub-rule (1) shall carry out any business without registration.

(4) The entities registered under sub-rule (1) shall not deal with any unregistered manufacturer, producer, recycler and refurbisher.

(5) Where any registered entity furnishes false information or willfully conceals information for getting registration or return or report or information required to be provided or furnished under these rules or in case of any irregularity, the registration of such entity may be revoked by the Central Pollution Control Board for a period up to three-years after giving an opportunity to be heard and in addition, environmental compensation charges may also be levied as per rule 22 in such cases.

(6) The Central Pollution Control Board may charge such registration fee and annual maintenance charges from the entities seeking registration under these rules based on capacity of e-waste generated or recycled or handled by them as laid down by the Central Pollution Control Board with the approval of the Steering Committee.

CHAPTER III

RESPONSIBILITIES

5. Responsibilities of the manufacturer. – All manufacturer shall have to, -

(1) register on the portal;

(2) collect e-waste generated during the manufacture of any electrical and electronic equipment and ensure its recycling or disposal;

(3) file annual and quarterly returns in the laid down form on the portal on or before end of the month succeeding the quarter or year, as the case may be, to which the return relates.

6. Responsibilities of the producer. - The producer of electrical and electronic equipment listed in Schedule I shall be responsible for -

(1) registration on the portal;

(2) obtaining and implementing extended producer responsibility targets as per Schedule-III and Schedule-IV through the portal:

Provided that the producer having extended producer responsibility plan under the provisions of the erstwhile E-Waste (Management) Rules, 2016 shall migrate under these rules as per the procedure laid down by the Central Pollution Control Board with approval of Steering Committee;

(3) creating awareness through media, publications, advertisements, posters or by any other means of communication;

(4) file annual and quarterly returns in the laid down form on the portal on or before the end of the month succeeding the quarter or year, as the case may be, to which the return relates.

7. Responsibilities of the refurbisher. – All refurbisher shall have to, -

(1) register on the portal;

(2) collect e-waste generated during the process of refurbishing and hand over the waste to registered recycler and upload information on the portal;

(3) ensure that the refurbished equipment shall be as per Compulsory Registration Scheme of the Ministry of Electronics and Information Technology and Standards of Bureau of Indian Standards framed for this purpose;

(4) file annual and quarterly returns in the laid down form on the portal on or before the end of the month succeeding the quarter or year, as the case may be, to which the return relates.

8. Responsibilities of bulk consumer. - Bulk consumers of electrical and electronic equipment listed in Schedule I shall ensure that e-waste generated by them shall be handed over only to the registered producer, refurbisher or recycler.

9. Responsibilities of the recycler. - All recycler shall have to, -

(1) register on the portal;

(2) ensure that the facility and recycling processes are in accordance with the standards or guidelines laid down by the Central Pollution Control Board in this regard from time to time;

(3) ensure that the fractions or material not recycled in its facility is sent to the respective registered recyclers;

(4) ensure that residue generated during recycling process is disposed of in anauthorised treatment storage disposal facility;

(5) maintain record of e-waste collected, dismantled, recycled and sent to registered recycler on the portal and make available all records for verification or audit as and when required;

(6) file annual and quarterly returns in the laid down form on the portal on or before the end of the month succeeding the quarter or year, as the case may be, to which the return relates;

(7) accept waste electrical and electronic equipment or components not listed in Schedule-I for recycling provided that they do not contain any radioactive material and same shall be uploaded on the portal;

(8) create awareness through media, publications, advertisements, posters or by such other means of communication;

(9) account for and upload information about any non-recyclable e-waste or any quantity which is not recycled and disposed of;

(10) take help of dismantlers for recycling purposes:

Provided that it shall be the responsibility of recycler to ensure proper material flow to and from those dismantlers and the dismantler shall give dismantled material to registered recycler only and maintain record of the same.

10. Responsibilities of State Government or Union territories. - (1) The Department of Industry in the State and Union territory or any other government agency authorised in this regard by the State Government or the Union territory, as the case may be, shall ensure earmarking or allocation of industrial space or shed for e-waste dismantling andrecycling in the existing and upcoming industrial park, estate and industrial clusters.

(2) Department of Labor in the State and Union territory or any other government agency authorised in this regard by the State Government or the Union territory, as the case may be, shall, -

(a) ensure recognition and registration of workers involved in dismantlingand recycling;

(b) assist formation of groups of such workers to facilitate setting up of dismantling facilities;

(c) undertake industrial skill development activities for the workers involved in dismantling and recycling;

(d) undertake annual monitoring and to ensure safety and health of workers involved in dismantling and recycling.

CHAPTER IV

11. Procedure for storage of e-waste. - Every manufacturer, producer, refurbisher and recycler may store the e-waste for a period not exceeding one hundred and eighty days and shall maintain a record of sale, transfer and storage of e-wastes and make these records available for inspection and the storage of the e-waste shall be done as per the applicable rules or guidelines for the time being in force:

Provided that the Central Pollution Control Board may extend the said period up to three hundred and sixty-five days in case the e-waste needs to be specifically stored for development of a process for its recycling or reuse.

CHAPTER V

12. Management of solar photo-voltaic modules or panels or cells. – (1) These rules shall be applicable to solar photo-voltaic modules or panels or cells, subject to provisions of this chapter.

(2) Every manufacturer and producer of solar photo-voltaic modules or panels or cells shall, -

(i) ensure registration on the portal;

(ii) store solar photo-voltaic modules or panels or cells waste generated up to the year 2034-2035 as per the guidelines laid down by the Central Pollution Control Board in this regard;

(iii) file annual returns in the laid down form on the portal on or before the end of the year to which the return relates up to year 2034-2035;

(iv) ensure that the processing of the waste other than solar photo-voltaic modules or panels or cells shall be done as per the applicable rules or guidelines for the time being in force;

(v) ensure that the inventory of solar photo-voltaic modules or panels or cells shall be put in place distinctly on portal;

(vi) comply with standard operating procedure and guidelines laid down by the Central Pollution Control Board in this regard.

(3) Recycler of solar photo-voltaic modules or panels or cells shall be mandated for recovery of material as laid down by the Central Pollution Control Board in this regard.

CHAPTER VI

13. Modalities of the extended producer responsibility Regime. – (1) All producers shall fulfil their extended producer responsibility obligation as per Schedule-III and Schedule-IV, in doing so they may also take help of third party organisations such as producer responsibility organisations, collection centres, dealers etc.:

Provided that the extended producer responsibility shall lie entirely on the producer only.

(2) The extended producer responsibility for each product shall be decided on the basis of the information provided by the producers on the portal and the individual product's life period as laid down by the Central Pollution Control Board in this regard and the targets specified in Schedule-III and Schedule-IV.

(3) (i) The producer shall fulfill their extended producer responsibility through online purchase of extended producer responsibility certificate from registered recyclers only and submit it online by filing quarterly return.

(ii) The details provided by producer and registered recycler shall be cross-checked on the portal.

(iii) In case of any difference, the lower figure shall be considered towards fulfilment of extended producer responsibility obligation of the producer.

(iv) The certificates shall be subject to environmental audit by the Central Pollution Control Board or any other agencies authorized by the Central Pollution Control Board in this regard.

14. Extended producer responsibility Certificate Generation. – (1) Recycling. - (i) The Central Pollution Control Board shall generate extended producer responsibility certificate through the portal in favour of a registered recycler in the format laid down by it in this regard.

(ii) (a) The quantity eligible for generation of extended producer responsibility certificate shall be calculated by the following formula namely:

$$*Q_{EPR} = Q_p \times C_f$$

**the Q_{EPR} is the quantity eligible for generation of the certificate, Q_p is the quantity of the end product and C_f is the conversion factor (quantity of inputs required for production of one unit of output)*

(b) Conversion factor C_f for each end product shall be determined by Central Pollution Control Board with the approval of the steering committee.

(iii) The validity of the extended producer responsibility certificate shall be two years from the end of the financial year in which it was generated and the expired certificate automatically extinguished after the period unless extinguished earlier as per the provisions of these rules.

(iv) Each extended producer responsibility certificate shall have a unique number containing year of generation, code of end product, recycler code and a unique code and the extended producer responsibility certificates shall be in the denominations of 100, 200, 500 and 1000 kg or such other denominations as may be laid down by the Central Pollution Control Board with the approval of the Steering Committee.

(2) Refurbishing. – (i) The e-waste shall also be allowed for refurbishing and refurbisher shall have to get registered on the portal and based on the data provided, refurbishing certificate shall be generated in favour of a registered refurbisher in the format laid down by it in this regard.

(ii) On production of the refurbishing certificates purchased from the registered refurbishers, the extended producer responsibility of the producers shall be deferred by the duration as laid down by the Central Pollution Control Board for the corresponding quantity of e-waste and shall be added to the extended producer responsibility of the producer upon expiry of the extended life of the refurbished product.

(iii) To incentivise refurbishing, only 75 per cent of the deferred quantity shall be added to the extended producer responsibility of the producer for recycling upon expiry of the extended life of the refurbished product.

Example: **-** If a producer has extended producer responsibility obligation of 100 tonnes in the year 2023-2024 and he purchases recycling certificate of 60 tonnes and refurbishing certificate of 40 tonnes and the concerned item has extended life of five years due to refurbishing.

In this case 60 tonnes of the extended producer responsibility of the producer shall be achieved in the year 2023-2024 itself and 75 per cent of the reaming 40 tonne i.e. 30 tonnes shall be carried over and added to the extended producer responsibility of that producer for the year 2028-2029 for that item.

(iv) The extended producer responsibility obligation shall be extinguished only after end of life disposal through a registered recycler and producing extended producer responsibility certificate and not by refurbishing certificate.

15. Transaction of extended producer responsibility certificates. - (1) A producer may purchase extended producer responsibility certificates limited to its extended producer responsibility liability of current year (Year Y) plus any leftover liability of preceding years plus 5 per cent of the current year liability.

(2) The extended producer responsibility obligation shall have to be fulfilled by the producers by proportionately purchasing extended producer responsibility certificate on quarterly basis.

(3) As soon as the producer purchases extended producer responsibility certificate, it shall be automatically adjusted against its liability and priority in adjustment shall be given to earlier liability and the extended producer responsibility certificate so adjusted shall be automatically extinguished and cancelled.

(4) As soon as producer purchases refurbishing certificates its extended producer responsibility liability shall be deferred automatically for the relevant quantity of the product, for the duration as laid down by the Central Pollution Control Board.

(5) The availability, requirement and other details of the extended producer responsibility certificate and refurbishing certificates for every producer or recycler or refurbisher shall be made available on the portal.

(6) All the transactions under these rules shall be recorded and submitted by the producers or recyclers on the portal at the time of filing of quarterly returns.

CHAPTER VII

REDUCTION IN THE USE OF HAZARDOUS SUBSTANCES IN THE MANUFACTURE OF ELECTRICAL AND ELECTRONIC EQUIPMENT AND THEIR COMPONENTS OR CONSUMABLES OR PARTS OR SPARES

16. Reduction in the use of hazardous substances in the manufacture of electrical and electronic equipment and their components or consumables or parts or spares. – (1) Every producer of electrical and electronic equipment and their components or consumables or parts or spares listed in Schedule I shall ensure that, new electrical and electronic equipment and their components or consumables or parts or spares do not contain Lead, Mercury, Cadmium, Hexavalent Chromium, polybrominated biphenyls and polybrominated diphenyl ethers beyond a maximum concentration value of 0.1 per cent by weight in homogenous materials for lead, mercury, hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers and of 0.01 per cent by weight in homogenous materials for cadmium.

(2) Components or consumables or parts or spares required for the electrical and electronic equipment placed in the market prior to the 1st May, 2014 may be exempted from the provisions

of sub-rule (1) provided reduction of hazardous substances compliant parts and spares are not available.

(3) The applications listed in Schedule-II shall be exempted from provisions of sub- rule (1).

(4) Every producer of applications listed in Schedule-II shall ensure that the limits of hazardous substances as given in Schedule-II are to be complied.

(5) Every producer shall provide the detailed information on the constituents of the equipment and their components or consumables or parts or spares along with a declaration of conformance to the reduction of hazardous substances provisions in the product user documentation.

(6) Imports or placement in the market for new electrical and electronic equipment shall be permitted only for those which are compliant to provisions of sub-rules (1) and (4).

(7) Manufacture and supply of electrical and electronic equipment used for defence and other similar strategic applications shall be excluded from provisions of sub- rule (1).

(8) Every producer shall provide information on the compliance of the provisions of sub-rule (1) and this information shall be in terms of self-declaration.

(9) Manufacturer shall use the technology or methods so as to make the end product recyclable;

(10) Manufacturer shall ensure that component or part made by different manufacturer are compatible with each other so as to reduce the quantity of e-waste.

(11) The Central Pollution Control Board shall conduct random sampling of electrical and electronic equipment placed on the market to monitor and verify the compliance of reduction of hazardous substances provisions and the cost for sample and testing shall be borne by the producer and the random sampling shall be as per the guidelines laid down by the Central Pollution Control Board in this regard.

(12) If the product does not comply with reduction of hazardous substances provisions, the producer shall take corrective measures to bring the product into compliance and withdraw or recall the product from the market, within a reasonable period as per the guidelines laid down by the Central Pollution Control Board in this regard.

(13) The Central Pollution Control Board shall lay down the methods for sampling and analysis of hazardous substances as listed in sub-rule (1) with respect to the items listed in Schedule-I and Schedule-II and also enlist the labs for the said purpose.

CHAPTER VIII

MISCELLANEOUS

17. Duties of Authorities. - Subject to the other provisions of these rules, the authorities shall perform duties as specified in Schedule-V.

18. Annual Report. - The Central Pollution Control Board shall submit an annual report to the Ministry of Environment, Forest and Climate Change regarding status of implementation of the e-waste management rules with quantitative and qualitative analysis along with its recommendations, within one month of the end of the financial year.

19. Transportation of e-waste. - Transportation of waste generated from manufacturing or recycling destined for final disposal to a treatment, storage and disposal facility shall follow the provisions under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

20. Accident reporting. - Where an accident occurs at the facility processing e-waste or during transportation of e-waste, the producer, refurbisher, transporter, dismantler, or recycler, as the case may be, shall report immediately to the concerned State Pollution Control Board about the accident through telephone and e-mail.

21. Appeal. - (1) Any person aggrieved by an order of suspension or cancellation or refusal of registration or its renewal passed by the Central Pollution Control Board, within a period of thirty days

from the date on which the order is communicated to him, prefer an appeal to the Additional Secretary or Joint Secretary, Ministry of Environment, Forest and Climate Change duly nominated by the Central Government in this regard.

(2) The Appellate Authority may entertain the appeal after expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

22. Environmental Compensation. - (1) The Central Pollution Control Board shall lay down guidelines for imposition and collection of environmental compensation on any entity in case of violation of any of the provision of these rules and guidelines issued hereunder and the said guidelines shall be in accordance with these rules and shall be approved by the Ministry of Environment, Forest and Climate Change.

(2) The Central Pollution Control Board shall also lay down guidelines for imposition and collection of environmental compensation on the producer in case of non-fulfilment of obligations set out in these rules and transaction or use of false extended producer responsibility certificate and the said guidelines shall be in accordance with these rules and shall be approved by the Ministry of Environment, Forest and Climate Change.

(3) The environmental compensation shall also be levied on unregistered producers, manufacturer, refurbisher, recyclers and any entity which aids or abets the violation of these rules.

(4) (i) Payment of environmental compensation shall not absolve the producer from the extended producer responsibility as specified in these rules and the unfulfilled extended producer responsibility for a particular year shall be carried forward to the next year and so on and up to three years.

(ii) In case, the shortfall of extended producer responsibility obligation is addressed after one year, 85 per cent of the environmental compensation levied shall be returned to the producer.

(iii) In case, the shortfall of extended producer responsibility obligation is addressed after two year, 60 per cent of the environmental compensation levied shall be returned to the producer, and in case, the shortfall of extended producer responsibility obligation is addressed after three year, 30 per cent of the environmental compensation levied shall be returned to the producer, thereafter no environmental compensation shall be returned to the producer.

(5) False information resulting in over generation of extended producer responsibility certificates by recycler shall result in revocation of registration and imposition of environmental compensation which shall not be returnable and repeat offence, violation of these rules for three times or more shall also result in permanent revocation of registration over and above the environmental compensation charges.

(6) (i) The funds collected under environmental compensation shall be kept in a separate Escrow account by the Central Pollution Control Board and the funds collected shall be utilizsed in collection and recycling or end of life disposal of uncollected, historical, orphaned e-waste and non-recycled or non-end of life disposal of e-waste on which the environment compensation is levied, research and development, incentivising recyclers, financial assistance to local bodies for managing waste management projects and on other heads as decided by the committee.

(ii) The modalities and heads for utilisation of the funds shall be decided by the Steering Committee with the approval of the Ministry of Environment, Forest and Climate Change.

23. Prosecution. - Any person, who provides incorrect information required under these rules for obtaining extended producer responsibility certificates, uses or causes to be used false or forged extended producer responsibility certificates in any manner, willfully violates the directions given under these rules or fails to cooperate in the verification and audit proceedings, may be prosecuted under section 15 of the Act, 1986 and this prosecution shall be in addition to the environmental compensation levied under rule 22.

24. Verification and Audit. – The Central Pollution Control Board by itself or through a designated agency shall verify compliance of these rules by producers, manufacturer, refurbisher, dismantlers and

recyclers through random inspection and periodic audit, as deemed appropriate so as to take action against violations of the provisions of these rules as per rule 22.

25. Steering Committee. - (1) There shall be a Steering Committee under the Chairmanship of Chairman, Central Pollution Control Board to oversee the overall implementation of these rules and the Steering Committee shall comprise of following other members in addition to the chair, namely: -

(a) one representative of the Ministry of Environment, Forest and Climate Change;

(b) one representative of the Ministry of Electronics and Information Technology;

(c) one representative of the Ministry of New and Renewable Energy;

(d) one representative of the Ministry of Housing and urban Affairs;

(e) a maximum of two representatives of electrical and electronic equipment Producer and Manufacturer Association;

(f) a maximum of two representatives of E-Waste Recycler Associations;

(g) one representative of State Pollution Control Board or Pollution Control Committee as co-opted by the Chairman of the Steering Committee;

(h) Head of the Concerned Division of the Central Pollution Control Board – Member- Convener.

(2) The steering committee shall be responsible for overall implementation, monitoring and supervision of these rules and it shall also decide upon the disputes arisen from time to time and on representations received in this regard, and shall refer to the Ministry of Environment, Forest and Climate Change any substantial issue arisen or pertaining to these rules.

(3) The steering committee shall review and revise the guidelines or extended producer responsibility target or addition of new Electrical and Electronic Equipment in Schedule I, in view of the technological advancements and other factors with the approval of the Central Government.

(4) The Steering Committee shall take all such measures as it deems necessary for proper implementation of provisions of these rules.

SCHEDULE - I

[See rules 2, 3 (b), 3 (c), 3 (m), 3 (o), 3 (p), 3 (q), 3 (v), 6, 8, 10 (7), 16 (13)]

Categories of electrical and electronic equipment including their components,consumables, parts and spares covered under the rules

Sl. No.	Categories of electrical and electronic equipment	Electrical and electronic equipment code
(i)	**Information technology and telecommunication equipment**:	
	Centralized data processing: Mainframes, Minicomputers	ITEW1
	Personal Computing: Personal Computers (Central Processing unit with input and output devices)	ITEW2
	Personal Computing: Laptop Computers (Central Processing unit with input and output devices)	ITEW3
	Personal Computing: Notebook Computers	ITEW4
	Personal Computing: Notepad Computers	ITEW5
	Printers including cartridges	ITEW6
	Copying Equipment	ITEW7
	Electrical and Electronic Typewriters	ITEW8
	User terminal and Systems	ITEW9
	Facsimile	ITEW10
	Telex	ITEW11

	Telephones	ITEW12
	Pay telephones	ITEW13
	Cordless telephones	ITEW14
	Cellular telephones	ITEW15
	Answering System	ITEW16
	Products or equipment of transmitting sound, images or other information by telecommunications	ITEW17
	BTS (all components excluding structure of tower)	ITEW18
	Tablets, I-PAD	ITEW19
	Phablets	ITEW20
	Scanners	ITEW21
	Routers	ITEW22
	GPS	ITEW23
	UPS	ITEW24
	Inverter	ITEW25
	Modems	ITEW26
	Electronic data storage devices	ITEW27
(ii)	**Consumer Electrical and Electronics and Photovoltaic Panels:**	
	Television sets (including sets based on Liquid Crystal Display and light Emitting Diode Technology)	CEEW1
	Refrigerator	CEEW2
	Washing Machine	CEEW3
	Air- Conditioners excluding centralised air conditioning plants	CEEW4
	Fluorescent and other Mercury containing lamps	CEEW5
	Screen, Electronic Photo frames, Electronic Display Panel, Monitors	CEEW6
	Radio sets	CEEW7
	Set top Boxes	CEEW8
	Video Cameras	CEEW9
	Video Recorders	CEEW10
	Hi-Fi Recorders	CEEW11
	Audio Amplifiers	CEEW12
	Other products or equipment for the purpose of recording or reproducing sound or images including signals and other technologies for the distribution of sound and image by telecommunications	CEEW13
	Solar panels/cells, solar Photovoltaic panels/cells/modules.	CEEW14
	Luminaires for fluorescent lamps with the exception of luminaires in households	CEEW15
	High intensity discharge lamps, including pressure sodium lamps and metal halide lamps	CEEW16
	Low pressure sodium lamps	CEEW17
	Other lighting or equipment for the purpose of spreading or controlling light excluding filament bulbs	CEEW18
	Digital camera	CEEW19
(iii)	**Large and Small Electrical and Electronic Equipment**	
	Large cooling appliances	LSEEW1
	Freezers	LSEEW2
	Other large appliances used for refrigeration, conservation and storage of food	LSEEW3

	Clothes dryers	LSEEW4
	Dish Washing Machines	LSEEW5
	Electric cookers	LSEEW6
	Electric stoves	LSEEW7
	Electric hot plates	LSEEW8
	Microwaves, Microwave Oven	LSEEW9
	Other large appliances used for cooking and other processing of food	LSEEW10
	Electric heating appliances	LSEEW11
	Electric radiators	LSEEW12
	Other large appliances for heating rooms, beds, seating furniture	LSEEW13
	Electric fans	LSEEW14
	Other fanning, exhaust ventilation and conditioning equipment	LSEEW15
	Vacuum cleaners	LSEEW16
	Carpet sweepers	LSEEW17
	Other appliances for cleaning	LSEEW18
	Appliances used for sewing, knitting, weaving and other processing for textiles	LSEEW19
	Iron and other appliances for ironing, mangling and other care of clothing	LSEEW20
	Grinders, coffee machines and equipment for opening or sealing containers or packages	LSEEW21
	Smoke detector	LSEEW22
	Heating Regulators	LSEEW23
	Thermostats	LSEEW24
	Automatic dispensers for hot drinks	LSEEW25
	Automatic dispensers for hot or cold bottles or cans	LSEEW26
	Automatic dispensers for solid products	LSEEW27
	Automatic dispensers for money	LSEEW28
	All appliances which deliver automatically all kinds of products	LSEEW29
	Indoor air purifier	LSEEW30
	Hair dryer	LSEEW31
	Electric shaver	LSEEW32
	Electric kettle	LSEEW33
	Electronic display panels/board/visual display unit	LSEEW34
(iv)	**Electrical and Electronic Tools (With the exception of large- Scale Stationary Industrial Tools)**	
	Drills	EETW1
	Saws	EETW2
	Sewing Machines	EETW3
	Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials	EETW4
	Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses	EETW5
	Tools for welding, soldering, or similar use	EETW6
	Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substance by other means	EETW7
	Tools for mowing or other gardening activities	EETW8

(v)	**Toys, Leisure and Sports Equipment**	
	Electrical trains or car racing sets	TLSEW1
	Hand-held video games consoles	TLSEW2
	Video games	TLSEW3
	Computers for biking, diving, running, rowing, etc.	TLSEW4
	Sports equipment with electric or electronic components	TLSEW5
	Coin slot machines	TLSEW6
(vi)	**Medical Devices (With the Exception of All Implanted and Infected Products)**	
	Radiotherapy equipment and accessories	MDW1
	Cardiology equipment and accessories	MDW2
	Dialysis equipment and accessories	MDW3
	Pulmonary ventilators and accessories	MDW4
	Nuclear Medicine Equipment and accessories	MDW5
	Laboratory equipment for in vitro diagnosis and accessories	MDW6
	Analysers and accessories	MDW7
	Magnetic Resonance Imaging (MRI), Positron Emission Tomography (PET) Scanner, Computed Tomography (CT) Scanner, & Ultrasound Equipment along with accessories	MDW8
	Fertilization tests equipment and accessories	MDW9
	Other electric appliances/equipment/kits used for preventing, screening, detecting, monitoring, evaluating, reviewing, examining, investigating, probing, treating illness sickness, disease, disorder, affliction, infection, injury, trauma, abuse or disability including the Mobiles, Tablets or any other device with the features having the potential of sex selection and their accessories	MDW10
(vii)	**Laboratory Instruments**	
	Gas analyser	LIW1
	Equipment having electrical and electronic components	LIW2

SCHEDULE - II

[See rules 16(3), 16(4), 16(13)]

Applications, which are exempted from the requirements of sub-rule (1) of rule 16	
Sl. No.	**Substance**
1.	Mercury in single capped (compact) fluorescent lamps not exceeding (perburner):
(a)	for general lighting purposes <30 W : 2.5 mg
(b)	for general lighting purposes ≥ 30 W and <50 W : 3.5mg
(c)	for general lighting purposes ≥ 50 W and <150 W : 5mg
(d)	for general lighting purposes ≥150 W : 15 mg
(e)	for general lighting purposes with circular or square structural shape and tubediameter ≤17 mm : 7mg
(f)	for special purposes:5 mg
2.(a)	Mercury in double-capped linear fluorescent lamps for general lighting purposes not exceeding (per lamp):
(1)	Tri-band phosphor with normal life time and a tube diameter < 9mm (e.g.T2): 4mg
(2)	Tri-band phosphor with normal life time and a tube diameter ≥ 9 mm and ≤ 17 mm (e.g. T5): 3 mg

(3)	Tri- band phosphor with normal life time and a tube diameter >17 mm and ≤ 28 mm(e.g. T8): 3.5 mg
(4)	Tri-band phosphor with normal life time and a tube diameter >28 mm (e.g. T12):3.5 mg
(5)	Tri-band phosphor with long life time (≥25000 h):5mg
2.(b)	Mercury in other fluorescent lamps not exceeding(per lamp):
(1)	Linear halophosphate lamps with tube >28 mm (e.g. T 10 and T12):10 mg
(2)	Non-linear halophosphate lamps(all diameters):15mg
(3)	Non-linear tri-band phosphor lamps with tube diameter >17 mm(e.g.T9):15 mg
(4)	Lamps for other general lighting and special purposes (e.g. inductionlamps):15mg
3.	Mercury in cold cathode fluorescent lamps and external electrode fluorescentlamps (CCFL and EEFL)for special purposes not exceeding (per lamp):
(a)	Short length(≤ 500 mm):3.5mg
(b)	Medium length(>500 mm and≤1500 mm): 5mg
(c)	Long length(>1500 mm): 13mg
4.(a)	Mercury in other low pressure discharge lamps (per lamp): 15mg
(b)	Mercury in High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding (per burner)in lamps with improved colour renderingindex Ra>60:
(b)-I	P ≤155 W : 30 mg
(b)-II	155 W < P ≤405 W : 40 mg
(b)-III	P >405 W: 40 mg
(c)	Mercury in other High Pressure Sodium (vapour) lamps for general lighting purposes not exceeding (per burner):
(c)-I	P≤155 W:25mg
(c)-II	155 W < P ≤ 405 W:30 mg
(c)-III	P >405 W:40 mg
(d)	Mercury in High Pressure Mercury (vapour) lamps (HPMV)
(e)	Mercury in metal halide lamps (MH)
(f)	Mercury in other discharge lamps for special purposes not specifically mentioned in this Schedule
5.(a)	Lead in glass of cathode ray tubes
(b)	Lead in glass of fluorescent tubes not exceeding 0.2% by weight
6.(a)	Lead as an alloying element in steel for machining purposes and in galvanized steel containing up to 0.35% lead by weight
(b)	Lead as an alloying element in aluminium containing up to 0.4% lead byweight
(c)	Copper alloy containing up to 4% lead by weight
7.(a)	Lead in high melting temperature type solders (i.e. lead-based alloys containing 85% by weight or more lead)
(b)	Lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission, and network management for telecommunications
(c)	Electrical and electronic components containing lead in a glass or ceramic other than dielectric ceramic in capacitors, e.g. piezoelectronic devices, or in aglass or ceramic matrix compound.
(d)	Lead in dielectric ceramic in capacitors for a rated voltage of 125 V AC or250 V DC or higher

(e)	Lead in dielectric ceramic in capacitors for a rated voltage of less than 125V AC or 250 V DC
8.(a)	Cadmium and its compounds in one shot pellet type thermal cut-offs
(b)	Cadmium and its compounds in electrical contracts
9.	Hexavalent chromium as an anticorrosion agent of the carbon steel cooling system in absorption refrigerators up to 0.75% by weight in the cooling solution
(a)	Lead in bearing shells and bushes for refrigerant-containing compressors for heating, ventilation, air conditioning and refrigeration (HVACR) application.
10.(a)	Lead used in C-press compliant pin connector systems
(b)	Lead used in other than C-press compliant pin connector systems
11.	Lead as a coating material for the thermal conduction module C- ring
12.(a)	Lead in white glasses used for optical applications
(b)	Cadmium and lead in filter glasses and glasses used for reflectance standards.
13.	Lead in solders consisting of more than two elements for the connection between the pins and the package of microprocessors with a lead content of more than 80% and less than 85% by weight
14.	Lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit flip chip packages.
15.	Lead in linear incandescent lamps with silicate coated tubes
16.	Lead halide as radiant agent in high intensity discharge (HID) lamps used forprofessional reprography applications.
17.(a)	Lead as activator in the fluorescent powder (1% lead by weight or less) of discharge lamps when used as specialty lamps for diazoprinting reprography, lithography, insect traps, photochemical and curing processes containing phosphors such as SMS ($(Sr, Ba)_2Mg Si_2O_7$:Pb)
(b)	Lead as activator in the fluorescent powder (1% lead by weight or less) of discharge lamps when used as sun tanning lamps containing phosphors suchas BSP ($Ba Si_2O_5$:Pb)
18.	Lead with PbBiSn-Hg and PblnSn-Hg in specific compositions as main amalgam and with PbSn-Hg as auxiliary amalgam in very compact energy saving lamps (ESL)
19.	Lead oxide in glass used for bonding front and rear substrates of flat fluorescent lamps used for Liquid Crystal Displays (LCDs)
20.	Lead and cadmium in printing inks for the application of enamels onglasses, such as borosilicate and soda lime glasses
21.	Lead in finishes of fine pitch components other than connectors with a pitch of 0.65 mm and less
22.	Lead in solders for the soldering to machine through hole discoidal and planar array ceramic multilayer capacitors
23.	Lead oxide in surface conduction electron emitter displays (SED) used instructural elements, notably in the seal frit and frit ring.
24.	Lead oxide in the glass envelope of black light blue lamps
25.	Lead alloys as solder for transducers used in high-powered (designated to operate for several hours at acoustic power levels of 125 dB SPL and above) loudspeakers
26.	Lead bound in crystal glass
27.	Cadmium alloys as electrical/mechanical solder joints to electrical conductors located directly on the voice coil in transducers used in high-powered loudspeakers with sound pressure levels of 100 dB(A) and more

28.	Lead in soldering materials in mercury free flat fluorescent lamps (which e.g. are used for liquid crystal displays, design or industrial lighting)
29.	Lead oxide in seal frit used for making window assemblies for Argon and Krypton laser tubes
30.	Lead in solders for the soldering of thin copper wires of 100 µm diameter and less in power transformers
31.	Lead in cermet-based trimmer potentiometer elements
32.	Mercury used as a cathode sputtering inhibitor in DC plasma displays with acontent up to 30 mg per display
33.	Lead in the plating layer of high voltage diodes on the basis of a zinc borate glass body
34.	Cadmium and cadmium oxide in thick film pastes used on aluminium bonded beryllium oxide
35.	Cadmium in color converting II-VI LEDs (<10 µg Cd per mm^2 of light-emitting area) for use in solid state illumination or display systems.

SCHEDULE - III

[See rules 3(m), 6(2), 13(1), 13(2)]

Sl. No.	Year (Y)	E-Waste Recycling Target (by weight)
1.	2023 -2024	60% of the quantity of an EEE placed in the market in year Y-X, where 'X' is the average life of that product
2.	2024 -2025	60% of the quantity of an EEE placed in the market in year Y-X, where 'X' is the average life of that product
3.	2025 -2026	70% of the quantity of an EEE placed in the market in year Y-X, where 'X' is the average life of that product
4.	2026-2027	70% of the quantity of an EEE placed in the market in year Y-X, where 'X' is the average life of that product
5.	2027-2028	80% of the quantity of an EEE placed in the market in year Y-X, where 'X' is the average life of that product
6.	2028-2029 onwards	80% of the quantity of an EEE placed in the market in year Y-X, where 'X' is the average life of that product

Note: ***(1) E-waste recycling target shall be reviewed and may be increased after the end of year 2028-2029.***

(2) The importers of used electrical and electronic equipment shall have 100% extended producer responsibility obligation for the imported material after end of life, if not re-exported.

(3) E-Waste recycling targets shall not be applicable for waste generated from solar photo-voltaic modules or panels or cells.

SCHEDULE - IV

[See rules 3(m), 6(2), 13(1), 13(2)]

Extended Producer Responsibility targets for producers, who have started sales operations recently, i.e. number of years of sales operations is less than average life of their products mentioned in the guidelines issued by the Central Pollution Control Board from time to time.

Sl. No.	Year	E-Waste Recycling Target (by weight)
1.	2023-2024	15% of the sales figure of financial year 2021-22
2.	2024-2025	20% of the sales figure of financial year 2022-23
3.	2025-2026 onwards	20% of the sales figure of the financial year two years back

Note: (1) Once the number of years of sales operation equals the average life of their product mentioned in the guidelines issued by Central Pollution Control Board, their extended producer responsibility obligation shall be as per Schedule-III.

(2) E-Waste recycling targets shall not be applicable for waste generated from solar photo-voltaic modules or panels or cells.

SCHEDULE - V

[See rule (17)]

LIST OF AUTHORITIES AND COPRRERSPONDING DUTIES

Sl. No.	AUTHORITY	COPRRERSPONDING DUTIES
1.	Central Pollution Control Board	(1) Operation and maintenance of Extended Producer Responsibility Portal and monitoring of Extended Producer Responsibility compliance. (2) Coordination with State Pollution Control Boards (3) Prepare and issue guidelines and Standard Operating procedures for collection, storage, transportation, segregation, refurbishment, dismantling, recycling and disposal of e-waste under these rules from time to time, and also issue necessary Forms/ Returns for implementation of these rules. (4) Conduct random check for ascertaining compliance of the e-waste rules and may take help of Customs/State Government or any other agency (ies). (5) Documentation, compilation of data on e-waste and uploading on websites of Central Pollution Control Board. (6) Actions against violation of these rules. (7) Conducting training programmes to develop capacity including State Pollution Control Boards and Urban Local Bodies officials. (8) Conducting awareness programmes on e-waste management, RE/CE label, legislation to make consumers responsible towards product usage and safe disposal. (9) Integrate all stakeholders with the centralized digital system. (10) Submit Annual Report to the Ministry. (11) Enforcement of provisions regarding reduction in use of hazardous substances in manufacture of electrical and electronic equipment. (12) Interaction with IT industry for reducing hazardous substances. (13) Set and revise targets for compliance to the reduction in use of hazardous substance in manufacture of electrical and electronic equipment from time to time. (14) Ensure RoHS compliance and its certifications through a recognized lab and its mandatory checks. (15) Any other function delegated by the Ministry under these rules from time to time.
2.	State Pollution Control Boards or Pollution Control Committees of Union territories	(1) Inventorisation of e-waste. (2) Monitoring and compliance of Extended Producer Responsibility as directed by Central Pollution Control Board. (3) Conduct random inspection of recycler and refurbisher and monitoring recycling capacity utilization.

		(4) Implementation of programmes to encourage environmentally sound recycling. (5) Any other function delegated by the Ministry/ Central Pollution Control Board under these rules.
3.	Responsibilities of Local Bodies (Urban and Rural).	(1) To ensure that e-waste if found to be mixed with Municipal Solid Waste is properly segregated, collected and is channelised to registered recycler or refurbisher. (2) To ensure that e-waste pertaining to orphan products is collected and channelized to registered recycler or refurbisher. (3) To facilitate setting up e-waste collection, segregation and disposal systems. (4) Conducting training sessions to develop capacities of the urban and rural local bodies.
4.	Responsibilities of Port authority under Indian Ports Act, 1908 (15 of 1908) and Customs Authority under the Customs Act, 1962 (52 of 1962).	(1) Verify the import or export with respect to Extended Producer Responsibility under these rules. (2) Inform Central Pollution Control Board of any illegal traffic for necessary action. (3) Take action against importer for violations under theIndian Ports Act, 1908 or the Customs Act, 1962.
5.	Responsibilities of Bureau of Indian Standards/ Ministry of Electronics and Information Technology	To issue standards for refurbished products. Bureau of Indian Standards/ Ministry of Electronics and Information Technology shall also develop guidelines for refurbishers with respect to Compulsory Registration Scheme.

[F. No. 12/136/2021-HSMD]

NARESH PAL GANGWAR, Addl. Secy.

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
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PR-08

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 43 ಕೇನಿಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:04.02.2023.

ದಿನಾಂಕ: 08.12.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Special Economic Zones (Fifth Amendment) Rules, 2022ರ Notification-GSR 868(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

NOTIFICATION

New Delhi, the 8th December, 2022

G.S.R. 868(E).— In exercise of the powers conferred by section 55 of the Special Economic Zones Act, 2005 (28 of 2005), the Central Government hereby makes the following rules further to amend the Special Economic Zones Rules, 2006, namely:—

1. (1) These rules may be called the Special Economic Zones (Fifth Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Special Economic Zones Rules, 2006, for rule 43A, the following rule shall be substituted, namely:—

'**43A. Work from Home.—** (1) A Unit may permit its employees, specified in sub-rule (2), to work from home or from any place outside the Special Economic Zone in accordance with this rule.

(2) The following employees are covered under sub-rule (1),—

(i) employees of Units which provide Information Technology and Information Technology enabled services;

(ii) employees, who are temporarily incapacitated;

(iii) employees, who are travelling; and

(iv) employees, who are working offsite.

(3) The permission granted under sub-rule (1) shall be applicable upto the 31st December, 2023.

(4) The facility for work from home or from any place outside the Special Economic Zone may cover all the employees of the Unit.

(5) Where a Unit permits its employees for work from home or from any place outside the Special Economic Zone under this rule, it shall intimate the same to the Development Commissioner through an email on or before the date on which the facility for work from home or from any place outside the Special Economic Zone is permitted:

Provided that where a Unit has permitted its employees for work from home or from any place outside the Special Economic Zone, before the commencement of the Special Economic Zones (Fifth Amendment) Rules, 2022 and permits its employees for work from home or from any place outside the Special Economic Zone under this rule, it shall intimate the same to the Development Commissioner through an email on or before the 31st January, 2023.

(6) The Unit shall not be required to submit the lists of employees who are allowed to follow work from home or from any place outside the Special Economic Zone, but shall maintain in the Unit the lists of employees who had been permitted to work from home or from any place outside the Special Economic Zone and shall be submitted for verification whenever is required by the Development Commissioner.

(7) The facility for work from home or from any place outside the Special Economic Zone shall be admissible if the Unit continues to operate from the premises as per their Letter of Approval, as amended from time to time.

(8) The work to be performed by the employee permitted to work from home under this rule shall be as per the services approved for the Unit, and the work is related to a project of the Unit.

(9) The Unit shall ensure export revenue of the resultant products or services to be accounted for by the Unit to which the employee is tagged.

(10) Where an employee ceases to be part of the project of the Unit, the employee shall be un-tagged from the Unit and the Unit shall surrender the identity card as per sub-rule (2) of rule 70.

(11) The Unit may provide to an employee duty-free goods, including laptop, desktop, and other electronic equipment needed by the employee for work from home or from any place outside the Special Economic Zone and the same shall be allowed to be taken outside the Special Economic Zone without payment of duty or integrated goods and services tax on temporary basis:

Provided that the Units while opting for the facility of work from home or from any place outside the Special Economic Zone shall ensure that such duty-free goods are duly accounted for in the appropriate records as per the extant rules and are available for verification, if necessary.

(12) Notwithstanding anything in sub-rule (1) of rule 50, the temporary removal of such duty-free goods shall be allowed for a period commensurate with the validity of the facility for work from home or anywhere outside the Special Economic Zone:

Provided that if a Unit fails to bring back the duty-free goods into the Special Economic Zone within the period specified in this sub-rule, the duty applicable on such goods shall be paid by the Unit.

(13) In this rule, the expression "employees" shall include all persons employed on the rolls of the Unit or under a direct contract or where the Unit is the principal employer under a contract with another organisation where such persons are expected to report on a day-to-day basis for work to the Unit and the Unit administers the control on their attendance'.

[F. No. K-43013(12)/1/2021-SEZ]

VIPUL BANSAL, Jt. Secy.

Note.— The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), vide notification number G.S.R 54(E), dated the 10th February, 2006 and lastly amended vide notification number G.S.R 761 (E), dated the 3rd October, 2022.

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

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PR-09

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 44 ಕೇನಿಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:04.02.2023.

ದಿನಾಂಕ: 22.12.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Pradhan Mantri Matru Vandana Yojana Rules, 2022ರ Notification-GSR 898(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 22nd December, 2022

G.S.R. 898(E).—In exercise of the powers conferred by sub-section (1) read with clauses (a) and (b) of sub-section (2) of section 39 of the National Food Security Act, 2013 (20 of 2013), and in supersession of the Indira Gandhi Matritva Sahyog Rules, 2016 published in the Gazette of India, vide G.S.R 416 (E), dated the 12th April, 2016, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules regulating the maternity benefits as provided under clause (b) of section 4 of the said Act, namely:-

1. **Short title and commencement.** - (1) These rules may be called the Pradhan Mantri Matru Vandana Yojana Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.** -In these rules, unless the context otherwise requires,-

a. "Act" means the National Food Security Act, 2013 (20 of 2013);

b. "Janani Suraksha Yojana" means the Scheme of the Central Government for safe motherhood under the National Health Mission being implemented by the Government of India, Ministry of Health and Family Welfare with the objective of reducing maternal and neo-natal mortality by promoting institutional delivery among the pregnant women;

c. "Ministry" means the Ministry of Women and Child Development;

d. "Mother Child Protection Card" means a joint card of the Ministry of Women and Child Development and Ministry of Health and Family Welfare, which is a comprehensive multipurpose card which provides information on utilisation of health and nutrition services for children and women provided by the aforesaid Ministries;

e. "Mission Shakti" means the Mission of Ministry of Women and Child Development aimed to provide all women and girls including differently-abled, socially and economically marginalised and vulnerable groups, in need of care and protection, with short term and long-term services and information for their holistic development and empowerment and the Pradhan Mantri Matru Vandana Yojana is one of the component of the said Mission;

f. "Pradhan Mantri Matru Vandana Yojana" means the Scheme of the Central Government made under clause (b) of section 4 of the Act under which maternity benefits for partial wage compensation, health seeking behaviour and topromote positive behavioural change towards girl child as per Mission Shakti Guidelines issued by the Government of India, Ministry of Women and Child Development on 14th July, 2022;

g. "section" means section of the Act;

h. the words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Beneficiaries entitled to maternity benefit. –** (1) The women belonging to socially and economically disadvantaged sections of society are entitled to get the benefit and the criteria for determining socially and economically disadvantaged sections of society shall be as per the Mission Shakti Guidelines.

(2) The maternity benefit as provided in clauses (a) and (b) of rule 7 for the first living Child and second living Child shall be as per the provisions of the Pradhan Mantri Matru Vandana Yojana:

Provided that the second Child shall be a girl.

4. Registration of beneficiaries. -The maternity benefit shall be given to all eligible pregnant women and lactating mothers, as referred to in rule 3 who have registered themselves at.-

(i) anganwadicentre set up under the Integrated Child Development Services or at approved Health Facility of Health and Family Welfare Department of respective State Government or Union territory or through online self-registration;

(ii) the Scheme and benefits thereunder shall be given on compliance of provisions of notifications to be issued by the Government of India, Ministry of Women and Child Development under section 7 of the Aadhaar (targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016).

5. Verification Tool. – The Mother Child Protection Card shall be the primary verification tool for verifying the fulfilment of the conditionalities by beneficiaries for availing maternity benefit under these rules.

6. Disbursement of maternity benefit. – The amount of the maternity benefit shall be directly transferred to the beneficiary's bank account or post office account in Direct Benefit Transfer mode.

7. Number of instalments under Pradhan Mantri Matru Vandana Yojana: – (1) The maternity benefit of five thousand rupees or such amount as provided under the Guidelines for first living child which shall be provided in two instalments upon fulfilment of following conditions as provided under the Table given below.-

TABLE

Instalment	Conditions	Amount (in Rupees)
First Installment	• On registration of pregnancy and at least one Ante-natal check-up within six months from Last Menstrual Period date at the Anganwadi Centre or approved Health facilities may be identified by the respective administering State or Union Territory	As provided in Guidelines of Pradhan Mantri Matru Vandana Yojana under Mission Shakti
Second Installment	• Childbirth is registered • The child has received all due vaccines till the age of fourteen weeks as admissible under the Universal Immunization Programme of Ministry of Health and Family Welfare	As provided in Guidelines of Pradhan Mantri Matru Vandana Yojana under Mission Shakti

(2) For the second living child, the amount of benefit of six thousand rupees or such amount as prescribed under the Scheme Guidelines shall be given in one instalment after the birth:

Provided the second child shall be a girl child on fulfilment of the following conditions, namely:-

(i) the girl child birth shall be registered under this Scheme;

(ii) the girl child has received all due vaccines till the child attains age of fourteen weeks from the date of birth as admissible under the Universal Immunization Programme of Ministry of Health and Family Welfare.

(3) **Entitlements under Janani Suraksha Yojana**. – The eligible beneficiary shall also receive the remaining cash incentive as per approved norms towards Maternity Benefit under Janani Suraksha Yojana after institutional delivery so that on an average, a woman gets an amount of six thousand rupees only.

8. Power to determine amount of maternity benefits. - The Central Government may modify the monetary benefit as provided in the Scheme from time to time.

9. Rules not in derogation of any Scheme. - The provisions of these rules shall be in addition to and not in derogation of any existing Scheme implemented by the Government of India.

[F. No. 13/1/2017-PMMVY]

PALLAVI AGARWAL, Jt. Secy.

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-10

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 45 ಕೇನಿಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 04.02.2023.

ದಿನಾಂಕ: 23.12.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022ರ Notification-GSR 899(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 23rd December, 2022

G. S. R. 899(E).—In exercise of the powers conferred by section 76; read with section 52A; of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby makes the following rules, namely:-

CHAPTER-I

PRELIMINARY

1. **Short title and commencement**. - (1) These rules may be called the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.** - (1) In these rules, unless the context otherwise requires, –

(a) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(b) "container" means a portable receptacle in which narcotic drugs, psychotropic substances and controlled substances are placed for convenience of movement;

(c) "Form" means the forms appended to these rules;

(d) "Magistrate" means the judicial magistrate;

(e) "package" means the narcotic drugs, psychotropic substances and controlled substances covered in paper or in a box.

(2) Words and expressions used herein and not defined, but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

CHAPTER II

SEIZURE AND STORAGE OF SEIZED MATERIAL

3. Classification of seized material. – (1) The narcotic drugs, psychotropic substances and controlled substances seized under the Act shall be classified based on physical properties and results of the drug detection kit, if any, and shall be weighed separately.

(2) If the narcotic drugs, psychotropic substances and controlled substances are found in packages or containers, such packages and containers shall be weighed separately and serially numbered for the purpose of identification.

(3) All narcotic drugs, psychotropic substances and controlled substances found in loose form shall be packed in tamper proof bag or in container, which shall be serially numbered and weighed and the particular of drugs and the date of seizure shall also be mentioned on such bag or container:

Provided that bulk quantities of ganja, poppy straw may be packed in gunny bags and sealed in such way that it cannot be tempered with:

Provided further that seized concealing material such as trolley bags, backpack and other seized articles shall be sealed separately.

(4) The classification, weighing, packaging and numbering referred to in this sub-rule shall be done in the presence of search witnesses (Panchas) and the person from whose possession the drugs and substances was recovered and a mention to this effect shall invariably be made in the panchnama drawn on the spot of seizure.

(5) The detailed inventory of the packages, containers, conveyances and other seized articles shall be prepared and attached to the panchnama.

4. **Designation of godowns**. – (1) The godowns for storage of narcotic drugs, psychotropic substances, controlled substances, conveyance and other articles seized under the Act shall be designated by,-

(a) the department and agencies of the Central Government whose officers have been delegated powers of an officer-in-charge of a police station under section 53 of the Act;

(b) The State Police and the department and agencies of the State Government whose officers have been delegated powers of an officer-in-charge of a police station under section 53 of the Act.

(2) Godowns referred to in sub-rule (1) shall be identified taking into consideration the security aspect and juxtaposition to court of law and such godowns shall be placed under the over-all supervision and charge of an officer of Gazette rank of the department and agencies referred to in sub-rule (1).

5. **Deposit in godowns**. – (1) All seized materials referred to in sub-rule (1) of rule 3, after seizure under the Act shall be deposited by the seizing officer in the nearest godown designated under rule 4 within forty-eight hours from the time of seizure alongwith a forwarding memorandum in Form-1:

Provided that the said time period may be relaxed by further twenty-four hours after providing of reasonable justification by the officer to whom the seized material has been forwarded under sub-section (3) of Section 52 of the Act.

(2) The officer in-charge of a godown, before giving an acknowledgement of receipt in Form-2, shall satisfy himself that the seized materials are properly packed, sealed and in conformity with the details mentioned in Form-1.

(3) The officer, who had seized the material, shall hand over the acknowledgement of receipt of seized material in Form-2, alongwith all other documents relating to the seizure, to the Investigating Officer for further proceedings.

6. **Storage of seized material in godown**. – (1) After receipt of the seized material, the officer in-charge of the godown shall ensure that the seized material is properly arranged, case-wise, for quick retrieval.

(2) The officer in-charge of a godown shall maintain a register of material received in the godown in Form-3.

(3) All seized material, excluding the conveyances, shall be stored in safes and vaults with double lock.

7. **Inspection of godown**. – (1) The department and agencies referred to in rule 4 and the State Police shall designate an Inspecting Officer for each godown, who shall be higher in rank to that of the officer in-charge of the godown.

(2) The Inspecting Officer referred to in sub-rule (1) shall make periodical inspection of the godown, at least once in every quarter, and shall record his remarks in the godown register in Form-3 with respect to security, safety and early disposal of the seized material.

(3) The departments and agencies, referred to in rule 4 and the State Police shall maintain periodical reports and returns to monitor the safe receipt, deposit, storage, accounting and disposal of seized materials under the Act.

CHAPTER III

SAMPLING

8. **Application to Magistrate**. – After the seized material under the Act is forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53 of the Act or if it is seized by such an officer himself, he shall prepare an inventory of such material in Form-4 and apply to the Magistrate, at the earliest, under sub-section (2) of section 52A of the Act in Form-5.

9. **Samples to be drawn in the presence of Magistrate**. – After application to the Magistrate under sub-section (2) of section 52A of the Act is made, the Investigating Officer shall ensure that samples of the seized material are drawn in the presence of the Magistrate and the same is certified by the magistrate in accordance with the provisions of the said-sub-section.

10. **Drawing the samples**. – (1) One sample, in duplicate, shall be drawn from each package and container seized.

(2) When the packages and containers seized together are of identical size and weight bearing identical marking and the contents of each package give identical results on colour test by the drugs identification kit, conclusively indicating that the packages are identical in all respects, the packages and containers may carefully be bunched in lots of not more than ten packages or containers, and for each such lot of packages and containers, one sample, in duplicate, shall be drawn:

Provided that in the case of ganja, poppy straw and hashish (charas) it may be bunched in lots of not more than fourty packages or containers.

(3) In case of drawing sample from a particular lot, it shall be ensured that representative sample in equal quantity is taken from each package or container of that lot and mixed together to make a composite whole from which the samples are drawn for that lot.

11. **Quantity to be drawn for sampling**. – (1) Except in cases of opium, ganja and charas (hashish), where a quantity of not less than twenty-four grams shall be drawn for each sample, in all other cases not less than five grams shall be drawn for each sample and the same quantity shall be taken for the duplicate sample.

(2) The seized substances in the packages or containers shall be well mixed to make it homogeneous and representative before the sample, in duplicate, is drawn.

(3) In case where seized quantities is less than that required for sampling, the whole of the seized quantity may be sent.

12. **Storage of samples. -** (1) Each sample shall be kept in heat-sealed plastic bags or heat-resistant glass bottle or apparatus, which shall be kept in a paper envelope, sealed properly and marked as original or duplicate, as the case may be.

(2) The paper envelope shall also bear the respective serial number of the package or container from which the sample had been drawn.

(3) The envelope containing the duplicate sample shall also have reference of the test memo and shall be kept in another envelope, sealed and marked 'Secret-drug sample / Test memo', to be sent to the designated laboratory for chemical analysis.

13. **Despatch of sample for testing**. – (1) The samples after being certified by the Magistrate shall be sent directly to any one of the jurisdictional laboratories of Central Revenue Control Laboratory, Central Forensic Science Laboratory or State Forensic Science Laboratory, as the case may be, for chemical analysis without any delay.

(2) The samples of seized drugs or substances shall be despatched to the jurisdictional laboratories under the cover of the Test Memo, which shall be prepared in triplicate, in Form-6.

(3) The original and duplicate of the Test Memo shall be sent to the jurisdictional laboratory alongwith the samples and the triplicate shall be retained in the case file of the seizing officer.

14. **Expeditious Test.-** The chemical laboratory shall submit its report to the court of Magistrate with a copy to the investigating officer within fifteen days from the date of receipt of the sample.

Provided that where quantitative analysis requires longer time, the results of the qualitative test shall be dispatched to the court of Magistrate with a copy to investigating officer within the said time limit on the original copy of the Test Memo and in the next fifteen days the result of quantitative test shall also be indicated on the duplicate Test Memo and sent to the court of Magistrate with a copy to the investigating officer.

15. **Duplicate Sample and Remnants of Samples. –** (1) Remnants of samples shall be returned with reference to the Test Memo to the office from which they were received within three months after the analysis by the laboratory.

(2) Immediately after the acceptance of the test report by the court of Magistrate, the duplicate sample held by the Inquiry Officer shall be deposited in the godown referred to in rule 5 along with the remnants of the sample.

CHAPTER IV

DISPOSAL

16. **Items that can be disposed of**. - Having regard to the hazardous nature, vulnerability to theft, substitution and constraints of proper storage space, all narcotic drugs, psychotropic substances, controlled substances and conveyances, as soon as may be after their seizure, shall be disposed of in the manner determined under section 52A of the Act.

17. **Officers who shall initiate action for disposal. -** Any officer in-charge of a police station or any officer empowered under section 53 of the Act shall initiate action for disposal of narcotic drugs, psychotropic substances, controlled substances or conveyances under section 52A of the Act after the receipt of chemical analysis report.

18. **Application to Magistrate**. – (1) The officer empowered under section 53 of the Act or if the materials are seized by such an officer himself, he shall apply to the Magistrate under sub-section (2) of section 52A of the Act in Form-5 at the earliest to allow the application under sub-section (3) of section 52A of the Act.

(2) After the Magistrate allows the application under sub-section (3) of section 52A of the Act, the officer referred to in sub-rule (1) shall preserve the certified inventory, photographs and samples drawn in the presence of the Magistrate as primary evidence for the case and submit details of the seized materials to the Chairman of the Drug Disposal Committee for a decision by the Committee on the disposal, and the said officer shall also send a copy of the details along with the seized materials to the officer-in-charge of the godown.

19. **Drug Disposal Committee.-** The Head of the Department of each Central drug law enforcement agency and State drug law enforcement agency shall constitute one or more Drug Disposal Committees comprising of three Members each which shall be headed by an officer not below the rank of the Superintendent of Police or Joint Commissioner of

Customs and Central Goods and Services Tax, Joint Director of Directorate of Revenue Intelligence or officers of equivalent rank and every such Committee shall be directly responsible to the Head of the Department.

20. **Functions of the Drug Disposal Committee. -** The functions of the Drug Disposal Committee shall be to, -

(a) meet as frequently as possible and necessary;

(b) conduct a detailed review of seized items pending disposal;

(c) order disposal of seized items, and

(d) advise the respective investigation officers or supervisory officers on the steps to be initiated for expeditious disposal.

21. **Procedure to be followed by the Drug Disposal Committee with regard to disposal of seized materials. -** (1) The officer-in-charge of the godown shall prepare a list of all the seized materials that have been certified under section 52A of the Act and submit it to the Chairman of the concerned Drug Disposal Committee.

(2) After examining the list referred to in sub-rule (1) and satisfying that the requirements of section 52A of the Act have been fully complied with, the Members of the concerned Drug Disposal Committee shall endorse necessary certificates to this effect and thereafter that Committee shall physically examine and verify the weight and other details of each of the seized materials with reference to the seizure report, report of chemical analysis and any other documents, and record its findings in each case.

(3) In case of conveyance, the committee shall verify the engine number, chassis number and other details mentioned in panchnama and certify the inventory thereof.

22. **Power of Drug Disposal Committee for disposal of seized material. -** The Drug Disposal Committee can order disposal of seized materials up to the quantity or value indicated in the following Table, namely: -

TABLE

Sl. No.	Name of item	Quantity per consignment
(1)	(2)	(3)
1.	Heroin	5 Kilogram
2.	Hashish (Charas)	100 Kilogram
3.	Hashish oil	20 Kilogram
4.	Ganja	1000 Kilogram
5.	Cocaine	2 Kilogram
6.	Mandrax	3000 Kilogram
7.	Poppy straw	Up to 10 Metric Tonne.
8.	Other narcotic drugs, psychotropic substances, or controlled substances	Upto a quantity of 500 Kilogram or 500 Litre
9.	Conveyances	Upto a value of Rs. 50 Lakhs:

Provided that if the consignments are larger in quantity or of higher value than those indicated in the Table, the Drug Disposal Committee shall send its recommendations to the Head of the Department who shall order their disposal by a high-level Drug Disposal Committee specially constituted in this regard.

23. **Mode of disposal. -** (1) Opium, morphine, codeine and thebaine shall be disposed of by transferring to the Government Opium and Alkaloid Works under the Chief Controller of Factories.

(2) In case of narcotic drugs and psychotropic substances other than those mentioned in sub-rule (1), the Chief Controller of Factories shall be intimated by the fastest means of communication available, the details of the seized materials that are ready for disposal.

(3) The Chief Controller of Factories shall indicate within fifteen days of the date of receipt of the communication under sub-rule (2), the quantities of narcotic drugs and psychotropic substances, if any, that are required by him to supply as samples under rule 67B of the Narcotic Drugs and Psychotropic Substances Rules, 1985.

(4) The quantities of narcotic drugs and psychotropic substances, if any, as required by the Chief Controller of Factories under sub-rule (3) shall be transferred to him and the remaining quantities of narcotic

drugs and psychotropic substances shall be disposed of in accordance with the provisions of sub-rules (5), (6) and (7).

(5) Narcotic drugs, psychotropic substances and controlled substances having legitimate medical or industrial use, and conveyances shall be disposed of in the following manner:

(a) narcotic drugs, psychotropic substances and controlled substances which are in the form of formulations and labelled in accordance with the provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940) and rules made thereunder may be sold, by way of tender or auction or in such other manner as may be determined by the Drug Disposal Committee, after confirming the composition and formulation from the licensed manufacturer mentioned in the label, to a person fulfilling the requirements of the said Act and the rules and orders made thereunder:

Provided that a minimum of 60% of the shelf life of the seized formulation remains at the time of such sale;

(b) narcotic drugs, psychotropic substance and controlled substances seized in the form of formulations and without proper labelling shall be destroyed;

(c) narcotic drugs, psychotropic substances and controlled substances seized in bulk form may be sold by way of tender or auction or in such other manner as may be determined by the Drug Disposal Committee, to a person fulfilling the requirements of the Drugs and Cosmetics Act, 1940 (23 of 1940) and the Act, and the rules and orders made thereunder, after confirming the standards and fitness of the seized substances for medical purposes from the appropriate authority under the said Drugs and Cosmetics Act, 1940 and the rules made thereunder;

(d) controlled substances having legitimate industrial use may be sold, by way of tender or auction or in such other manner as may be determined by the Drug Disposal Committee, to a person fulfilling the requirements of the Act and the rules and orders made thereunder;

(e) seized conveyances shall be sold by way of tender or auction as may be determined by the Drug Disposal Committee.

(6) Narcotic drugs, psychotropic substances and controlled substances which have no legitimate medical or industrial use or such quantity of seized substance which is not found fit for such use or could not be sold shall be destroyed.

(7) The destruction referred to in clause (b) of sub-rule (5) and sub-rule (6) shall be by incineration in incinerators fitted with appropriate air pollution control devices, which comply with emission standards and such incineration may only be done in places approved by the State Pollution Control Board or where adequate facilities and security arrangements exist and in the latter case, in order to ensure that such incineration may not be a health hazard or polluting, the consent of the State Pollution Control Board or Pollution Control Committee, as the case may be, shall be obtained, and the destruction shall be carried out in the presence of the Members of the Drug Disposal Committee.

24. **Intimation to Head of Department on destruction. -**The Drug Disposal Committee shall intimate the Head of the Department regarding the destruction referred in sub-rule (7) of rule 23, at least fifteen days in advance so that, in case he deems fit, he may either himself conduct surprise checks or depute an officer for conducting such surprise checks and after every destruction operation, the Drug Disposal Committee shall submit to the Head of the Department a report giving details of destruction.

25. **Certificate of destruction. -** (1) A certificate of destruction in Form-7 shall be prepared in triplicate and signed by the Chairman and Members of the Drug Disposal Committee.

(2) The original copy of the certificate of destruction shall be pasted in the godown register after making necessary entries to this effect, the duplicate to be retained in the seizure case file and the triplicate copy shall be kept by the Drug Disposal Committee.

26. **Receipt by Government Opium and Alkaloid Works**. - (1) As and when seized narcotic drug, psychotropic substance, or controlled substance is transferred to the Government Opium and Alkaloid Works, it shall issue a certificate in Form-8, acknowledging the receipt of such transfer, which shall be signed by an authority as may be decided by the Chief Controller of Factories.

(2) The Government Opium and Alkaloid Works shall maintain a register in Form-9 containing details of seized narcotic drug, psychotropic substance, and controlled substance transferred to it, which shall be signed by an authority as may be decided by the Chief Controller of Factories and which shall be preserved for a period of twenty-five years from the date of last entry.

27. **Certificate of Disposal**. - (1) As and when the seized narcotic drug, psychotropic substance, controlled substance or conveyance is transferred to the Government Opium and Alkaloid Works or sold by way of tender or auction or in any other manner determined by the Drug Disposal Committee, a certificate of disposal in Form-10 shall be prepared in triplicate and signed by the Chairman and Members of the Drug Disposal Committee.

(2) The original copy of the certificate of disposal shall be pasted in the godown register after making necessary entries to this effect, the duplicate copy shall be retained in the seizure case file and the triplicate copy shall be kept by the Drug Disposal Committee.

28. **Communication to Narcotics Control Bureau. -** (1) The Head of the Department of each Central drug law enforcement agency and State drug law enforcement agency shall submit a quarterly report in Form-11 to the Narcotics Control Bureau giving details of action taken for disposal of narcotic drugs, psychotropic substances, controlled substances and conveyances under section 52A of the Act.

(2) The return for a quarter shall be submitted before the last day of the month following that quarter.

***Explanation*. -** For the removal of doubts, it is hereby clarified that for the purpose of sub-rule (2) the expression "quarter" shall be January to March, April to June, July to September and October to December of every year.

CHAPTER IV

MISCELLANEOUS

29. **Repeal and savings**. - (1) The Standing Order No. 1/88, dated the 15th March, 1988, Standing Order No 2/88, dated the 11th April, 1988, issued by the Narcotics Control Bureau, Standing Order No. 1/89, dated the 13th June, 1989, issued by the Government of India, Ministry of Finance (Department of Revenue), the notification of the Government of India, Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide*, number G.S.R.339(E), dated the 10th May, 2007 and the notification of the Government of India, Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide*, number G.S.R.38(E), dated the 16th January, 2015 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under any of the Standing Order or notification repealed by sub-rule (1) shall, in so far as it is not inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provision of these rules.

[F. No-N-16011/07/2018-NC-II]

VINOD KUMAR, Director

FORM-1

[See rule 5(1)]

[To be prepared in duplicate]

Forwarding Memorandum to Godown by the Seizing Officer

1. NDPS Crime No. [as per crime and prosecution register under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985)]
2. Name and address of the accused
3. Place, Date and Time of Seizure
4. Description (physical properties) of items in each sealed package / container
5. Results of test done, if any, by drug detection kit
6. Quantity in each sealed package / container
7. No. of packages / containers, material wise, containing similar material
8. Total Number of Packages / Containers
9. Total Number of Conveyances
10. Description of each conveyance, such as type, make, manufacturer name, colour, etc., alongwith identification number associated with each conveyance, such as registration number, engine number, chasis number, etc.
11. Description of animal used as conveyance

Place:
Date:
Time:

Signature of the Seizing Officer with Full Name, Designation and official Seal

Endorsement by
Officer-in-charge of the Godown:

Signature
with Full Name and Official Seal

FORM-2

[See rule 5(2)]

Acknowledgement by Officer-in-charge of a Godown

Received ___ number of packages / containers and __ number of conveyances, from _____, as per details in Form-1 duly signed by him and endorsed by the undersigned (Original copy of Form-1 retained and duplicate copy thereof is enclosed), and entered in godown register vide entry No. ____.

Place:
Date:
Time:

Signature of the Officer-in-charge of the Godown with Full Name, Designation and official Seal

FORM-3

[See rule 6(2)]

Register of material received in Godown

Godown Register No.____	Name of the Officer-in-charge of the Godown
Year_____	

1. Godown Entry Sl. No:
2. NDPS Crime No:
3. Name/designation/address of the seizing / depositing officer:
4. Facsimile of the seal put on the packages / containers by the seizing officer:
5. Name and address of the accused:
6. Place, Date and Time of Seizure:
7. Date and time of deposit in godown:
8. Description (physical properties) of items in each sealed package / container:
9. Gross Quantity in each sealed package / container:
10. Net quantity after taking sample in the presence of the Magistrate:
11. No. of packages / containers, material wise, containing similar material:
12. Total Number of Packages / Containers:
13. Total Number of Conveyances:
14. Description of each conveyance, such as type, make, manufacturer name, colour, etc., alongwith identification number associated with each conveyance, such as registration number, engine number, chassis number, etc:
15. Description of animal used as conveyance:
16. Particulars of exit and re-entry for exhibiting in court:
17. Whether Magistrate has allowed the application moved under Section 52A (mention details):
18. Date and time of removal for disposal:
19. Certificate of destruction / disposal, as the case may be :
20. Remarks of the Inspecting Officer:

FORM-4

[See rule 8]

INVENTORY OF SEIZED MATERIAL

[Under sub-section (2) of Section 52A of the Narcotic Drugs and Psychotropic Substances Act,1985]

Case No.----------

Seizing agency: ----------

Seizing officer: ----------

Date of seizure: ----------

Place of seizure: ----------

Name and designation of the officer preparing this inventory: ----------

TABLE

Sl. No.	Description of the items seized	Quality	Quantity	Mode of packing	Mark and numbers	Other identifying Particulars of seized items or packing	Country of origin	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Signature, name and designation of the officer

Certification by the Magistrate under sub-section (3) of section 52A of the Narcotic Drugs and Psychotropic Substances Act,1985

Whereas the above officer applied to me under sub-section (2) section 52A of the Narcotic Drugs and Psychotropic Substances Act,1985 to certify the above inventory and sub-section (3) of that section requires any Magistrate to whom an application is made to allow the application as soon as may be, I, having been satisfied that the above inventory is as per the seizure documents and the consignments of seized materials related to the case presented before me, certify the correctness of the above inventory.

Signature, name and designation of the Magistrate

FORM-5

[See rule 8 and rule18(1)]

APPLICATION FOR DISPOSAL OF SEIZED NARCOTIC DRUGS, PSYCHOTROPIC SUBTANCES, CONTROLLED SUBSTANCES AND CONVEYANCES UNDER SUB-SECTION (2) OF SECTION 52A OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985

[Application to be made by the officer in-charge of a police station or an officer empowered under section 53 of the Narcotic Drugs and Psychotropic Substances Act,1985*who has custody of the material seized under the said Act]*

To

Learned Magistrate,

_____

Sir,

Sub: Application for certification of correctness of inventory, photographs and samples of seized narcotic drugs, psychotropic substances, controlled substances and conveyances

1. All narcotic drugs, psychotropic substances, controlled substances and conveyances have been identified by the Central Government under section 52A of the Narcotic Drugs and Psychotropic Substances Act,1985 as vulnerable to theft and substitution vide Notification No……. dated……

2. As required under sub-section (2) of section 52 A of the Narcotic Drugs and Psychotropic Substances Act,1985, I submit the enclosed inventory of seized material and request you to-

(a) certify the correctness of the inventory;
(b) permit taking, in your presence, photographs of the seized items in the inventory and certify such photographs as true; and
(c) allow drawing of representative samples in your presence and certify the correctness of the list of samples so drawn.

3. I request you to allow this application under sub-section (3) of section 52 A of the Narcotic Drugs and Psychotropic Substances Act,1985 so that the seized narcotic drugs, psychotropic substances, controlled substances or conveyances can thereafter be disposed of as per sub-section (1) of section 52Aof the said Act retaining the certificate, photographs and samples as primary evidence as per sub-section (4) of section 52A.

Yours faithfully,

Signature, name and designation of the officer

Date:

CERTIFICATE BY THE MAGISTRATE UNDER SUB-SECTION (3) OF SECTION 52A OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT,1985

I allow the above application under sub-section (3) of section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 and hereby, certify the correctness of the enclosed inventory, the enclosed photographs taken and the list of samples drawn in my presence.

Signature, name and designation of the Magistrate

Date:

FORM – 6
[See rule 13(2)]
TEST MEMO

Name and address of
the seizure organisation
==========

Section –I (for use by the Seizing Officer)

1. Crime No.

2. Name and Address of the Officer(s) drawing sample:

3. Name and address of the accused(s):

4. Alleged description of drug and
Weight of samples (net weight):

5. Date and time of seizure:

6. Place of Seizure:

7. Date of draw of sample:

8. No. of samples and marking on each of them for
identification:

9. (a) Description of Seal:
(b) No. of seal put on samples:

10. Facsimile of the seal:

Name and signature of the forwarding Officer

SECTION-II FOR USE IN THE LABORATORY

1. Date of receipt in the laboratory:
2. Weight (Net Weight) as found in the laboratory:
3. Date of conducting result of: -
   (a) Qualitative Test:
   (b) Quantitative Test:
   (c) General observation of the Chemist:

Name and signature of the Chemist

FORM-7

[See rule 25]

CERTIFICATE OF DESTRUCTION

This is to certify that the following narcotic drugs, psychotropic substances and controlled substances, were destroyed in our presence-

1. Case No.

2. Narcotic Drug / Psychotropic Substance / Controlled Substance:

3. Seizing agency:

4. Seizing officer:

5. Date of seizure:

6. Place of Seizure:

7. Godown entry number:

8. Gross weight of the drug seized:

9. Net weight of the narcotic drugs, psychotropic substances, controlled substances destroyed (after taking samples, etc.):

10. Where and how destroyed:

Signature(s), name(s) and designation(s) of Chairman and Members of the Drug Disposal Committee.

FORM-8

[See rule 26(1)]

CERTIFICATE BY GOVERNMENT OPIUM AND ALKALOID WORKS

Reference No_____ Date _____

This is to certify that the following narcotic drugs / psychotropic substances / controlled substances were received in the Government Opium and Alkaloid Works:

1. Case No:

2. Seizing agency:

3. Seizing officer:

4. Date of seizure:

5. Place of Seizure:

6. Godown entry number:

7. Detail of the Narcotic Drug / Psychotropic Substance / Controlled Substance received in the Government Opium and Alkaloid Works:-

(a) Name of the Narcotic Drug / Psychotropic Substance / Controlled Substance
(b) Net weight of the Narcotic Drug / Psychotropic Substance / Controlled Substance received (if more than one drug and/or substance, net weight of the each to be specified)

8. Receipt of the aforesaid Narcotic Drug / Psychotropic Substance / Controlled Substance has been entered in the register at Sl No._____.

Signature, name, designation, office address of the officer authorised to sign this certificate as provided in rule 26.

FORM-9

[See rule 26 (2)]

REGISTER OF RECEIPT OF NARCOTIC DRUG / PSYCHOTROPIC SUBSTANCE / CONTROLLED SUBSTANCE TO BE MAINTIANED BY GOVERNMENT OPIUM AND ALKALOID WORKS

1. Sl No:

2. Case No:

3. Seizing agency:

4. Seizing officer:

5. Date of seizure:

6. Place of Seizure:

7. Godown entry number:

8. Name of the Narcotic Drug / Psychotropic Substance / Controlled Substance:

9. Net weight of the Narcotic Drug / Psychotropic Substance / Controlled Substance received (if more than one drug or substance, net weight of the each to be specified with consecutive serial number):

10. Reference No. and Date of the Certificate issued for receipt of the aforesaid Narcotic Drug/Psychotropic Substance/Controlled Substance:

Signature, name, and designation of the officer authorized to sign the certificate as provided in rule 26.

FORM-10

[See rule 27]

CERTIFICATE OF DISPOSAL

This is to certify that the following narcotic drugs, psychotropic substances, controlled substances, and conveyances were disposed of:-

1. Case No:
2. Seizing agency:
3. Seizing officer:
4. Date of seizure:
5. Place of Seizure:
6. Godown entry number:
7. Detail of the Narcotic Drug / Psychotropic Substance / Controlled Substance: -

(a) Name of the drug / substance:
(b) Gross weight of the drug / substance seized (if more than one drug or substance, gross weight of the each to be specified):
(c) Net weight of the drug / substance after taking samples (if more than one drug and/or substance, net weight of the each to be specified):
(d) Quantity transferred to Government Opium and Alkaloid Works:
(e) Reference No. and Date of the Certificate issued by Government Opium and Alkaloid Works:
(f) Quantity sold:
(g) Sale proceeds realised (in Rupees):
(h) To whom sold:

8. Detail of the conveyance: -

(a) Registration Number of the conveyance:
(b) Description of the conveyance (manufacturer, model, colour, etc. to be specified):
(c) Identification numbers of the conveyance, such as engine number, chassis number, etc., to be specified:
(d) Sale proceeds realised (in Rupees):
(e) To whom sold:

Signature(s), name(s) and designation(s) of Chairman and Members of the Drug Disposal Committee.

FORM-11

[See rule 28]

QUARTERLY REPORT TO BE SUBMITTED BY THE HEAD OF DEPARTMENT OF CENTRAL DRUG LAW ENFORCEMENT AGENCY/ STATE DRUG LAW ENFORCEMENT AGENCY TO THE NARCOTICS CONTROL BUREAU

Report for the quarter ending_____ Date _____

Name and address of the law enforcement agency: _____

1. Number of cases at the beginning of the quarter

2. Number of new cases during the quarter

3. Total number of cases (1+2):

4. Out of the total number of cases at 3 above, number of cases where application has been moved under sub-section 2 of section 52A of the Act:

5. Number of cases where application moved under sub-section 2 of section 52A of the Act has been allowed under sub-section (3) of the said section 52A:

6. Out of the cases at 5 above, number of cases where seized material has been disposed of

Signature, name, designation, office address of the officer authorised by the Head of Department of Central Law Enforcement Agency/ State Law Enforcement Agency to sign this certificate.

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ALOK KUMAR
Digitally signed by ALOK KUMAR
Date: 2022.12.23 22:42:10 +05'30'

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-11

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 50 ಕೇಶಾಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:04.02.2023.

ದಿನಾಂಕ: 20.12.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE ENERGY CONSERVATION (AMENDMENT) ACT, 2022 (NO. 19 OF 2022) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—22 REGISTERED NO. DL—(N)04/0007/2003—22

भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY
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PART II — Section 1
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PUBLISHED BY AUTHORITY

सं॰ 26] नई दिल्ली, मंगलवार, दिसम्बर 20, 2022/ अग्रहाण्य 29, 1944 (शक)
No. 26] NEW DELHI, TUESDAY, DECEMBER 20, 2022/AGRAHAYANA 29, 1944 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 20*th December,* 2022/*Agrahayana* 29, 1944 (*Saka*)

The following Act of Parliament received the assent of the President on the 19th December, 2022 and is hereby published for general information:—

THE ENERGY CONSERVATION (AMENDMENT) ACT, 2022

NO. 19 OF 2022

[19*th December*, 2022.]

An Act further to amend the Energy Conservation Act, 2001.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Energy Conservation (Amendment) Act, 2022. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Energy Conservation Act, 2001 (hereinafter referred to as the principal Act), 52 of 2001.—

(*i*) for clause (*c*), the following clause shall be substituted, namely:—

'(*c*) "building" means any structure or erection or part of structure or erection—

(*i*) constructed after the rules relating to energy conservation and sustainable building codes have been notified by the Central Government under clause (*p*) of section 14 and by the State Government under clause (*a*) of section 15;

(*ii*) which has a minimum connected load of 100 Kilowatt (kW) or contract demand of 120 Kilovolt Ampere (kVA); and

(*iii*) which is used or intended to be used for commercial purpose or as an office building or for residential purpose:

Provided that the State Government may specify a lower connected load or contract demand than the load or demand specified above;';

(*ii*) after clause (*d*), the following clauses shall be inserted, namely:—

'(*da*) "carbon credit certificate" means the certificate issued by the Central Government or any agency authorised by it under section 14AA;

(*db*) "carbon credit trading scheme" means the scheme for reduction of carbon emissions notified by the Central Government under clause (*w*) of section 14;';

(*iii*) for clause (*h*), the following clause shall be substituted, namely:—

'(*h*) "energy" means any form of energy derived from fossil fuels or non-fossil sources or renewable sources;';

(*iv*) after clause (*i*), the following clause shall be inserted, namely:—

'(*ia*) "energy auditor" means any individual possessing the qualifications prescribed under clause (*m*) of section 14;';

(*v*) for clause (*j*), the following clause shall be substituted, namely:—

'(*j*) "energy conservation and sustainable building code" means the code which provides norms and standards for energy efficiency and its conservation, use of renewable energy and other green building requirements for a building;';

(*vi*) after clause (*q*), the following clause shall be inserted, namely:—

'(*qa*) "registered entity" means any entity, including designated consumers, registered for carbon credit trading scheme specified under clause (*w*) of section 14;';

(*vii*) after clause (*t*), the following clauses shall be inserted, namely:—

'(*ta*) "vehicle" shall have the same meaning as assigned to it in clause (*28*) of section 2 of the Motor Vehicles Act, 1988; 59 of 1988.

(*tb*) "vessel" includes every description of water craft used or capable of being used in inland waters or in coastal waters, including any ship, boat, sailing vessel, tug, barge or other description of vessel including non-displacement craft, amphibious craft, wing-in-ground craft, ferry, roll-on-roll-off vessel, container vessel, tanker vessel, gas carrier or floating

unit or dumb vessel used for transportation, storage or accommodation within or through inland waters and coastal waters;'.

Amendment of section 4.

3. In section 4 of the principal Act,—

(*a*) in sub-section (*1*), for the words "twenty, but not exceeding twenty-six", the words "thirty-one, but not exceeding thirty-seven" shall be substituted;

(*b*) in sub-section (*2*),—

(*i*) after clause (*g*), the following clauses shall be inserted, namely:—

"(*ga*) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with the Environment, Forest and Climate Change—*ex officio* member;

(*gb*) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with the Housing and Urban Affairs—*ex officio* member;

(*gc*) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with the Road Transport and Highways—*ex officio* member;

(*gd*) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with the Steel— *ex officio* member;

(*ge*) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with the Civil Aviation—*ex officio* member;

(*gf*) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with the Ports, Shipping and Waterways—*ex officio* member;

(*gg*) Member of the Railway Board (in charge of Energy), Ministry of Railways—*ex officio* member;";

(*ii*) after clause (*m*), the following clause shall be inserted, namely:—

"(*ma*) Director-General of the National Productivity Council, Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry—*ex officio* member;";

(*iii*) for clause (*o*), the following clause shall be substituted, namely:—

"(*o*) one official each from the energy or power department of the five States from the five power regions, not below the rank of Principal Secretary to the State Government, to be appointed by the Central Government—member;";

(*iv*) for clause (*p*), the following clause shall be substituted, namely:—

"(*p*) such number of persons, not exceeding seven, as may be prescribed, to be appointed by the Central Government as members, from amongst persons who, in the opinion of the Central Government, are experts or capable of representing industry, equipment and appliance manufacturers, architects, institutes and consumers—members;".

Amendment of section 13.

4. In section 13 of the principal Act, in sub-section (*2*),—

(*i*) in clause (*a*), after the word and figures "section 14", the words "and other standards required to be prescribed under other provisions of this Act" shall be inserted;

(*ii*) in clause (*d*), for the words "energy conservation building codes", the words "energy conservation and sustainable building codes" shall be substituted;

(*iii*) in clause (*h*), after the word "promote", the words "or undertake" shall be inserted;

(*iv*) after clause (*t*), the following clauses shall be inserted, namely:—

"(*ta*) collaborate with any international institution or organisation or to obtain membership of bodies having similar objectives as that of the Bureau, in consultation with the Central Government;

(*tb*) authorise any agency in the country or outside the country to carry out any of the functions of the Bureau, for such purposes, and subject to such terms and conditions, as may be specified by regulations;

(*tc*) undertake, or authorise any other body which meets with such technical qualifications, as may be specified by regulations, to test samples for purposes other than those specified in section 14;

(*td*) empanel technical experts to promote energy efficiency and carbon credit trading activities undertaken to meet the objectives of the Act;

(*te*) recommend to the Central Government on the requirements to be specified in the carbon credit trading scheme to be notified under clause (*w*) of section 14;

(*tf*) recommend minimum share of consumption of non-fossil sources by designated consumers as energy or feedstock;".

Insertion of new section13A.

5. After section 13 of the principal Act, the following section shall be inserted, namely:—

Prohibition of use of deceptive name, etc.

"13A. (*1*) No person shall, without previous permission of the Bureau, use any name which so nearly resembles the name of the Bureau as to deceive or likely to deceive the public.

(*2*) Notwithstanding anything contained in any other law for the time being in force, no registering authority shall register any company, firm or other body of persons which bears any name or mark resembling the name of the Bureau.".

Amendment of section 14.

6. In section 14 of the principal Act,—

(*i*) in clause (*a*), for the word "appliance", the words "appliance, vehicle, vessel, industrial unit, building or establishment" shall be substituted;

(*ii*) in clause (*b*), after the words "class of equipment or appliances,", the words "or vehicle, vessel, industrial unit, building or establishment" shall be inserted;

(*iii*) for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) prohibit manufacture or import of any equipment or appliance or vehicle or vessel specified under clause (*b*), unless it conforms to energy consumption standards specified under clause (*a*):

Provided that an industrial unit specified under clause (*b*) shall close its operations unless it conforms to the norms for processes or energy consumption standards specified under clause (*a*):

Provided further that from the date of notification of norms for processes and energy consumption standards under clause (*a*), no notification prohibiting such manufacture or import shall be issued—

(*i*) within a period of six months in the case of equipment or appliance or vehicle or vessel; and

(*ii*) within a period of two years for closure of industrial unit:

Provided also that the Central Government may, having regard to the market share and the technological development having impact on equipment or appliance or vehicle or vessel, and for reasons to be recorded in writing, extend the said period of six months referred to above, by a further period not exceeding six months;";

(*iv*) in clause (*f*), after the words "Energy Intensive Industries", the words "and other establishments" shall be inserted;

(*v*) in clause (*h*), after the words "Energy Intensive Industries", the words "and other establishments" shall be inserted;

(*vi*) in clause (*l*), for the words "energy manager", the words "energy auditor or energy manager" shall be substituted;

(*vii*) in clauses (*p*), (*q*) and (*r*), for the words "energy conservation building codes", the words "energy conservation and sustainable building codes" shall be substituted;

(*viii*) after clause (*v*), the following clauses shall be inserted, namely:—

"(*w*) specify the carbon credit trading scheme;

(*x*) specify minimum share of consumption of non-fossil sources by designated consumers as energy or feedstock, provided different share of consumption may be specified for different types of non-fossil sources for different designated consumers:".

Amendment of section 14A.

7. In section 14A of the principal Act,—

(*a*) for the marginal heading, the following shall be substituted, namely:—

"Issuance of energy savings certificate.";

(*b*) in sub-section (*1*), after the words "Central Government", the words "or any agency authorised by it" shall be inserted;

(*c*) in sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that any other person may also purchase energy saving certificate or carbon credit certificate on voluntary basis.".

Insertion of new section 14AA.

8. After section 14A of the principal Act, the following section shall be inserted, namely:—

Issuance of carbon credit certificate.

"14AA. (*1*) The Central Government, or any agency authorised by it may issue carbon credit certificate to the registered entity which complies with the requirements of the carbon credit trading scheme.

(*2*) The registered entity shall be entitled to purchase or sell the carbon credit certificate in accordance with carbon credit trading scheme specified under clause (*w*) of section 14.".

Amendment of section 15.

9. In section 15 of the principal Act,—

(*i*) in clause (*a*),—

(*I*) for the words "energy conservation building codes", at both the places where they occur, the words "energy conservation and sustainable building codes" shall be substituted;

(*II*) after the words "energy in the buildings", the words "and implement the same through building bye-laws of the State" shall be substituted;

(*ii*) in clause (*b*), for the words "energy conservation building codes", the words "energy conservation and sustainable building codes" shall be substituted;

(*iii*) after clause (*h*), the following clause shall be inserted, namely:—

"(*ha*) levy such fee as may be prescribed for the services rendered by the designated agency to promote efficient use of energy and its conservation under this Act;".

Insertion of new section 15A.

10. After section 15 of the principal Act, the following section shall be inserted, namely:—

Budget of designated agency.

"15A.The designated agency shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure and forward the same to the State Government, which shall include the same in the annual budget.".

Substitution of new section for section 16.

11. For section 16 of the principal Act, the following section shall be substituted, namely:—

Establishment of Fund by State Government.

"16. (*1*) There shall be constituted a Fund for the purposes of promotion of efficient use of energy and its conservation within the State to be called the State Energy Conservation Fund and there shall be credited thereto—

(*a*) all grants and loans that may be made by the State Government or the Central Government or any other organisation or individual for the purposes of this Act;

(*b*) all fees received by the State Government or the designated agency under this Act;

(*c*) all sums received by the State Government or the designated agency from such other sources as may be decided by the State Government.

(*2*) The Fund shall be utilised for meeting the expenses—

(*a*) of the designated agency in the discharge of its functions;

(*b*) for the objects and purposes authorised by or under this Act.

(*3*) The Fund created under sub-section (*1*) shall be administered by such person or authority and in such manner as may be prescribed by the rules made by the State Government.".

Substitution of new section for section 26.

12. For section 26 of the principal Act, the following section shall be substituted, namely:—

Penalty.

"26. (*1*) If any person fails to comply with the provisions of clause (*h*) or clause (*i*) or clause (*k*) or clause (*l*) of section 14 or clause (*c*) or clause (*h*) of section 15, he shall be liable to a penalty which shall not exceed ten lakh rupees:

Provided that in the case of continuing failures, the person shall be liable to an additional penalty which may extend to ten thousand rupees for every day during which such failures continue.

(*2*) Notwithstanding anything contained in this Act or any other Act for the time being in force, if any person fails to comply with the provisions of clauses (*c*) and (*d*) of section 14, he shall in addition to the penalty of ten lakh rupees, be also liable to pay additional penalty which shall not exceed five thousand rupees per appliance or equipment in relation to which the non-compliance has occurred, but shall not be lower than two thousand rupees:

Provided that where such non-compliance relates to any industrial unit or vessel, he shall also be liable to an additional penalty which shall not exceed twice the price of every metric ton of oil equivalent consumed in excess of the prescribed norms:

Provided further that if the manufacturer of a vehicle fails to comply with the fuel consumption norms, he shall also be liable to pay an additional penalty per unit of vehicles sold in the corresponding year, as follows, namely:—

(*i*) twenty-five thousand rupees per vehicle for non-compliance of norms up to 0.2 litres per 100 kms;

(*ii*) fifty thousand rupees per vehicle for non-compliance of norms above 0.2 litres per 100 kms.

(*3*) If any person fails to comply with the directions issued under clauses (*n*) and (*x*) of section 14, he shall be liable to a penalty which shall not exceed ten lakh rupees for each such failure:

Provided that he shall also be liable to an additional penalty which shall not exceed twice the price of every metric ton of oil equivalent prescribed under this Act, which is in excess of the prescribed norms.

(*4*) If a person fails to comply with the provisions of sub-section (*1*) of section 13A or fails to provide any information under section 52, he shall be liable to a penalty which may extend to fifty thousand rupees on first such non-compliance or failure:

Provided that for every subsequent non-compliance or failure, he shall be liable to pay an additional penalty which shall not exceed ten thousand rupees per day of such non-compliance or failure.

(*5*) Any amount payable under this section, if not paid, may be recovered as if it were an arrear of land revenue.".

Insertion of new section 27A.

13. After section 27 of the principal Act, the following section shall be inserted, namely:—

Power of State Commission to make regulations.

"27A. (*1*) The State Commission may, by notification, make regulations for discharging its functions under this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(*a*) the manner of making application before the State Commission and the fee payable;

(*b*) any other matter which is to be, or may be, provided by regulations by the State Commission for the purposes of its function:

Provided that every regulation made by the State Commission under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.".

Amendment of section 28.

14. In section 28 of the principal Act, after clause (*b*), the following clause shall be inserted, namely:—

"(*c*) the loss caused to a consumer and amount of compensation thereof.".

Amendment of section 52.

15. In section 52 of the principal Act, for the words, brackets, letter and figures "specified under clause (*b*) of section 14 shall supply the Bureau with such information, and with such samples", the words "or any other person or entity covered under this Act shall furnish to the Bureau such information, documents or records relating to energy consumption, and such samples" shall be substituted.

Amendment of section 56.

16. In section 56 of the principal Act, in sub-section (*2*), in clause (*l*), for the words "energy conservation building codes", the words "energy conservation and sustainable building codes" shall be substituted.

Amendment of section 57.

17. In section 57 of the principal Act, in sub-section (*2*),—

(*i*) in clause (*a*), for the words "energy conservation building codes", the words "energy conservation and sustainable building codes" shall be substituted;

(*ii*) after clause (*b*), the following clauses shall be inserted, namely:—

"(*ba*) the fee to be levied for the services rendered by the designated agency for promoting efficient use of energy and its conservation under clause (*ha*) of section 15;

(*bb*) the form in which and the time at which, the budget of the designated agency shall be prepared under section 15A;";

(*iii*) in clause (*c*), for the word, brackets and figure "section (*4*)", the word, brackets and figure "section (*3*)" shall be substituted.

Amendment of section 58.

18. In section 58 of the principal Act, in sub-section (*2*), after clause (*h*), the following clauses shall be inserted, namely:—

"(*ha*) the purposes, and the terms and conditions subject to which, an agency may be authorised to carry out the functions of the Bureau under clause (*tb*) of sub-section (*2*) of section 13;

(*hb*) the technical qualification to test samples under clause (*tc*) of sub-section (*2*) of section 13;".

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
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MGIPMRND—2017GI(S3)—20-12-2022.

JAGANATHA N ANANTHA KUMAR Digitally signed by JAGANATHAN ANANTHA KUMAR Date: 2022.12.20 22:18:46 +05'30'

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-12

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 51 ಕೇಶಾಪ್ರ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 04.02.2023.

ದಿನಾಂಕ: 24.12.2022 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE CONSTITUTION (SCHEDULED CASTES AND SCHEDULED TRIBES) ORDERS (SECOND AMENDMENT) ACT, 2022 (NO. 20 OF 2022) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—22 REGISTERED NO. DL—(N)04/0007/2003—22

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-24122022-241400
CG-DL-E-24122022-241400

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 29] नई दिल्ली, शनिवार, दिसम्बर 24, 2022/पौष 3, 1944 (शक)
No. 29] NEW DELHI, SATURDAY, DECEMBER 24, 2022/PAUSA 3, 1944 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 24*th December,* 2022/*Pausa* 3, 1944 (*Saka*)

The following Act of Parliament received the assent of the President on the 24th December, 2022 and is hereby published for general information:—

THE CONSTITUTION (SCHEDULED CASTES AND SCHEDULED TRIBES) ORDERS (SECOND AMENDMENT) ACT, 2022

NO. 20 OF 2022

[24*th December*, 2022.]

An Act further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes and Scheduled Tribes) Orders (Second Amendment) Act, 2022. Short title.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Scheduled Castes Order" means the Constitution (Scheduled Castes) Order, 1950; C.O. 19.

(*b*) "Scheduled Tribes Order" means the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967. C.O. 78.

Amendment of Scheduled Castes Order.

3. The Scheduled Castes Order is hereby amended in the manner and to the extent specified in the First Schedule.

Amendment of Scheduled Tribes Order.

4. The Scheduled Tribes Order is hereby amended in the manner and to the extent specified in the Second Schedule.

THE FIRST SCHEDULE

(*See* section 3)

In the Constitution (Scheduled Castes) Order, 1950 (C.O. 19), in the Schedule, in PART XVIII.—*Uttar Pradesh*, in entry 36, for the words "Mirzapur and Sonbhadra", the words "Mirzapur, Sonbhadra, Sant Kabir Nagar, Kushinagar, Chandauli and Bhadohi" shall be substituted.

THE SECOND SCHEDULE

(*See* section 4)

In the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 (C.O. 78), in the Schedule, in entry 6, for the words "Mirzapur and Sonbhadra", the words "Mirzapur, Sonbhadra, Sant Kabir Nagar, Kushinagar, Chandauli and Bhadohi" shall be substituted.

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI–110054.

JAGANATHAN ANANTHA KUMAR

MGIPMRND—2087GI(S3)—24.12.2022.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

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ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-13

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 01 ಕೇನಿಪ್ರ 2023 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:04.02.2023.

ದಿನಾಂಕ: 03.01.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Indian Telegraph (Infrastructure Safety) Rules, 2022ರ Notification-GSR 06(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 3rd January, 2023

G.S.R. 06(E).— In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes the following rules, namely: -

1. Short title and commencement.—(1) These rules may be called the Indian Telegraph (Infrastructure Safety) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. -(1) In these rules, unless the context otherwise requires, -

(a) "Act" means the Indian Telegraph Act, 1885 (13 of 1885);

(b) "common portal" means a portal or mobile phone application developed and notified by the Central Government for the purposes of these rules;

(c) "licensee" means any person holding a license under sub-section (1) of section 4 of the act.

(d) "notice" means prior information of digging or excavation submitted through common portal.

(e) "telegraph infrastructure" includes a telegraph or a telegraph line and post;

(2) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

3. Procedure for exercising of legal right to dig or excavate any property. — (1) Any person desiring to dig or excavate in the legal exercise of a right with any property in such a manner as is likely to cause damage to a telegraph infrastructure or to interrupt or interfere with telegraphic communication which has been duly placed in accordance with the provisions of the Act, shall give notice to licensee through common portal, by submitting the information of such digging or excavation, prior to the commencement of such exercise.

(2) The notice under sub-rule (1) shall include the name and address of the person exercising the legal right, agency details, contact details, date and time of start of the exercise, description and location of the exercise, and the reasons for such digging or excavation.

(3) The licensee shall, on submission of notice by the person under sub-rule (1), as expeditiously as possible provide through the common portal, the details of telegraph infrastructure owned or control or managed by such licensee, falling under or over or along the property with which the person intends to deal in legal exercise of the right, along with precautionary measures for coordination in avoiding damages to the telegraph infrastructure.

(4) The person exercising legal right to dig or excavate shall take appropriate action on precautionary measures provided by the licensee as per sub-rule (3).

(5) In case no licensee provides details within the prescribed time as per section 19(A) of the Act, the person having legal right to dig or excavate shall be free to dig or excavate the property thereafter.

4. Damage charges for breach of provisions of the rule. — (1) Any person, who in exercise of legal right has dug or has excavated any property in such a manner causing damage to a telegraph infrastructure duly placed in accordance with the provisions of the Act shall be liable to pay the damage charges to the telegraph authority:

(2) The damage charges under sub-rule (1) shall be computed based on such expenses as may be incurred in restoring damages.

[F. No. 2-16/2022-Policy]

ANAND SINGH, Jt. Secy.

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
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THE SECOND SCHEDULE

(*See* section 4)

In the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 (C.O. 78), in the Schedule, in entry 6, for the words "Mirzapur and Sonbhadra", the words "Mirzapur, Sonbhadra, Sant Kabir Nagar, Kushinagar, Chandauli and Bhadohi" shall be substituted.

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

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JAGANATHAN ANANTHA KUMAR

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ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
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ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-14

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 01 ಕೇಶಾಪ್ರ 2023 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 04.02.2023.

ದಿನಾಂಕ: 03.01.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE CONSTITUTION (SCHEDULED TRIBES) ORDER (SECOND AMENDMENT) ACT, 2022 (NO. 1 OF 2023) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—23 REGISTERED NO. DL—(N)04/0007/2003—23

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-03012023-241645
CG-DL-E-03012023-241645

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 1] नई दिल्ली, मंगलवार, जनवरी 3, 2023/पौष 13, 1944 (शक)
No. 1] NEW DELHI, TUESDAY, JANUARY 3, 2023/PAUSA 13, 1944 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 3*rd January,* 2023/*Pausa* 13, 1944 (*Saka*)

The following Act of Parliament received the assent of the President on the 2nd January, 2023 and is hereby published for general information:—

THE CONSTITUTION (SCHEDULED TRIBES) ORDER (SECOND AMENDMENT) ACT, 2022

NO. 1 OF 2023

[2*nd January,* 2023.]

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Tamil Nadu.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2022. Short title.

Amendment of Constitution (Scheduled Tribes) Order, 1950.

2. In the Constitution (Scheduled Tribes) Order, 1950, in the Schedule, in Part XIV.— C.O. 22.
Tamil Nadu, after entry 36, the following entry shall be inserted, namely:—

"37. Narikoravan, Kurivikkaran.".

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

———

CORRIGENDUM

In the Surrogacy (Regulation) Act, 2021 (47 of 2021), published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 25th December, 2021, Issue No. 64, at page 9, in line 36, *for* "nomination under clause (*c*) of sub-section (*2*) of section 14", *read* "election under clause (*c*) of sub-section (*2*) of section 17".

———

CORRIGENDUM

In the Lakshadweep Open Places (Prevention of Defacement) Regulation, 2022 (6 of 2022), published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 20th December, 2022, Issue No. 28, at page 3, in section 11, in the marginal heading, *for* "Act", *read* "Regulation".

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JAGANATHAN ANANTHA KUMAR

MGIPMRND—2113GI(S3)—3-1-2023.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

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ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-15

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 02 ಕೇಶಾಪ್ರ 2023 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:04.02.2023.

ದಿನಾಂಕ: 03.01.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE CONSTITUTION (SCHEDULED TRIBES) ORDER (FOURTH AMENDMENT) ACT, 2022 (NO. 2 OF 2023) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—23 REGISTERED NO. DL—(N)04/0007/2003—23

भारत का राजपत्र
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सी.जी.-डी.एल.-अ.-03012023-241646
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असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 2] नई दिल्ली, मंगलवार, जनवरी 3, 2023/पौष 13, 1944 (शक)
No. 2] NEW DELHI, TUESDAY, JANUARY 3, 2023/PAUSA 13, 1944 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 3*rd January,* 2023/*Pausa* 13, 1944 (*Saka*)

The following Act of Parliament received the assent of the President on the 2nd January, 2023 and is hereby published for general information:—

THE CONSTITUTION (SCHEDULED TRIBES) ORDER (FOURTH AMENDMENT) ACT, 2022

NO. 2 OF 2023

[2*nd January,* 2023.]

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in relation to the State of Karnataka.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Fourth Amendment) Act, 2022. Short title.

Amendment of Constitution (Scheduled Tribes) Order, 1950.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in PART VI.— *Karnataka*, for entry 16, the following entry shall be substituted, namely:— C.O. 22.

"16. Kadu Kuruba, Betta-Kuruba".

———

DR. REETA VASISHTA,
Secretary to the Govt. of India.

———

CORRIGENDUM

In the Aircraft (Amendment) Act, 2020 (13 of 2020), published in the Gazette of India, Extraordinary, Part II, Section 1, dated 20th September, 2020, Issue No. 38, at page 3, line 39, *for* "In section 10 of the principal Act, in sub-section (*1A*),—",*read* "In section 10 of the principal Act,—".

———

CORRIGENDUM

In the Energy Conservation (Amendment) Act, 2022 (19 of 2022), published in the Gazette of India, Extraordinary, Part II**,** Section 1,dated 20th December, 2022, Issue No. 26**,** at page 5, line 43, *for* "substituted", *read* "inserted".

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JAGANATHAN ANANTHA KUMAR

MGIPMRND—2114GI(S3)—3-1-2023.

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(ಆರ್. ಶ್ರೀನಿವಾಸ)
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ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-16

ಮುದ್ರಕರು ಹಾಗೂ ಪ್ರಕಾಶಕರು:– ಸಂಕಲನಾಧಿಕಾರಿಗಳು, ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಸರ್ಕಾರಿ ಕೇಂದ್ರ ಮುದ್ರಣಾಲಯ, ಬೆಂಗಳೂರು–೫೬೯.

SUNIL GARDE Digitally signed by SUNIL GARDE Date: 2023.02.06 17:47:13 +05'30'